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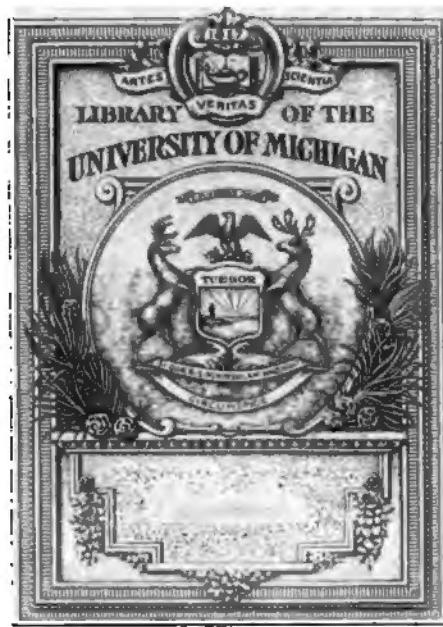
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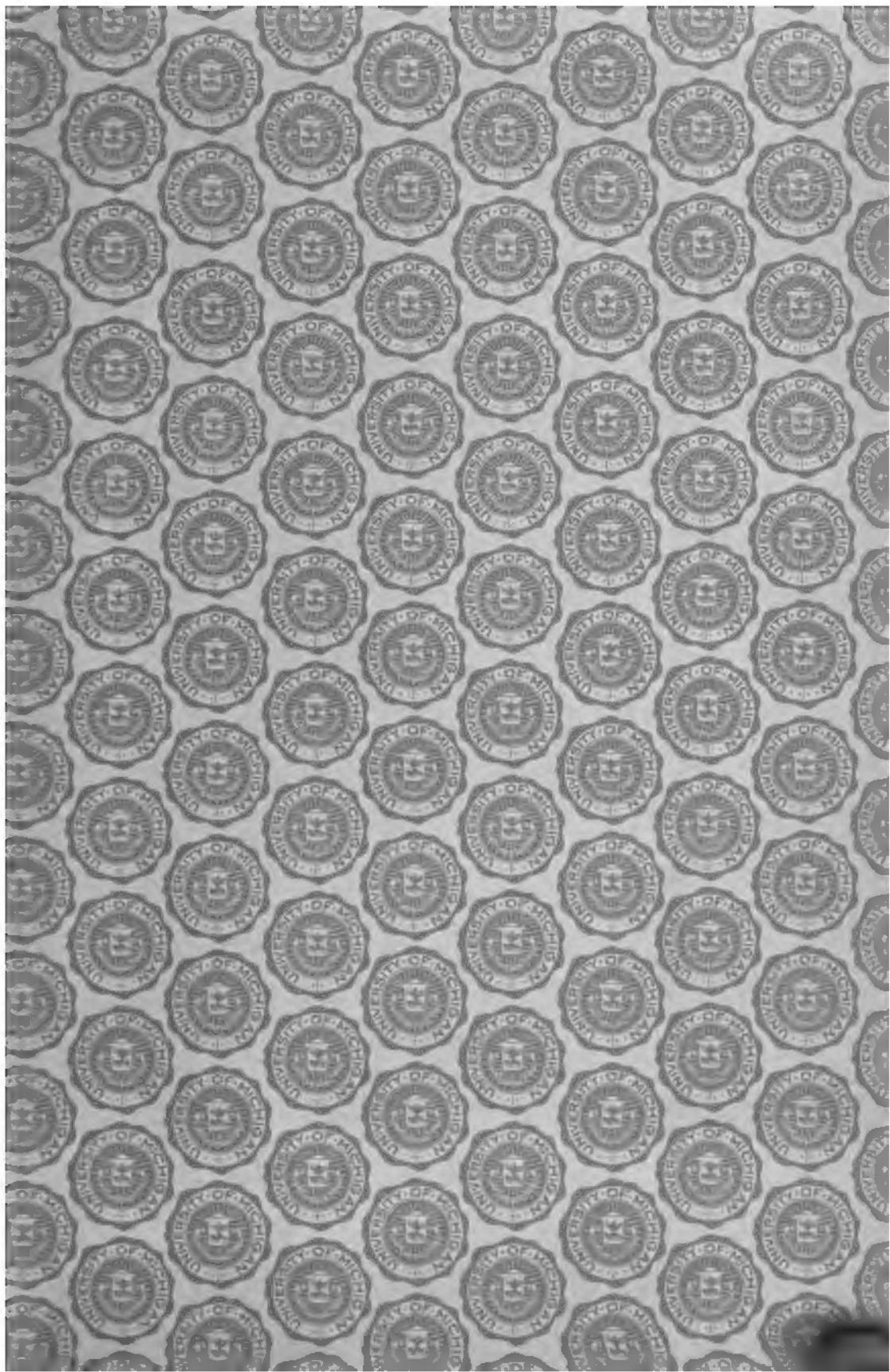
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2375

LOCAL ACTS
OF
THE LEGISLATURE

OF THE

STATE OF MICHIGAN,

PASSED AT THE

REGULAR SESSION OF 1883.

WITH AN APPENDIX.



BY AUTHORITY.

LANSING, MICH.:
W. S. GEORGE & CO., PRINTERS AND BINDERS.
1883.

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[No. 198.]

AN ACT to change the name of Shivilard S. Beardsley to Frank S. Johnson.

SECION 1. *The People of the State of Michigan enact*, That the name changed. name of Shivilard S. Beardsley, of Crawford county, be and is hereby changed to Frank S. Johnson.

This act is ordered to take immediate effect.

Approved January 26, 1883.

[No. 199.]

AN ACT to amend section twelve of an act entitled "An act to revise and amend the charter of the city of Battle Creek," approved April third, eighteen hundred and seventy-nine.

SECION 1. *The People of the State of Michigan enact*, That section twelve, of "An act to revise and amend the charter of the city of Battle Creek," be and the same is hereby amended so as to read as follows:

Sec. 12. The common council, in addition to the powers and duties especially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal belonging to the city, and may make such ordinances and by-laws relating to the same as they shall deem necessary and proper; and further they shall have power to enact, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they deem desirable within said city, for the following purposes:

First, To prevent vice and immorality, to preserve the public peace and good order, to regulate the police of the city, to prohibit, prevent, and quell riots, disturbances, disorderly noises, or assemblies in the streets, or elsewhere in said city;

Second, To prohibit, prevent, and restrain disorderly and gaming houses, to destroy all instruments and devices used for gaming,

grades thereof, and to provide for the preservation of, and the prevention of willful injury to the gutters in said streets, lanes, avenues, and alleys; to direct and regulate the planting, and to provide for the protection and preservation of ornamental trees therein;

Ninth, To require any horse, horses, mules, or other animals attached to any vehicle, or standing in any of the streets, lanes, alleys, or public grounds or places in said city, to be securely fastened, held, or watched, and to prevent and punish horse racing and immoderate driving or riding in any street, lane, or alley, and to authorize the stopping and detaining any person who shall be guilty of any immoderate riding or driving in any street, lane, or alley;

Tenth, To determine and designate the route and grade of any railroad to be laid or constructed in said city, and to regulate the use and speed of locomotives, engines, and cars, upon the railroads within said city, and to compel the railroad companies, their officers, agents, managers, and employés to station flagmen at street crossings, and to prescribe the length of time that engines or cars may stand on said streets or otherwise obstruct them, or to prohibit the same, and to make such other rules or regulations concerning the same as to secure the safety of the citizens, or other persons;

Eleventh, To restrain and punish drunkards, vagrants, mendicants, and street beggars soliciting alms or subscriptions for any purpose whatever;

Twelfth, To regulate or prohibit bathing, in any public water, to provide for clearing the rivers, ponds, and streams in said city, and the race and canals connected therewith, of all driftwood and noxious matter, and to prohibit and prevent the depositing therein of any filth, or other matter tending to render the waters thereof impure, unwholesome, and offensive, or drawing the water therefrom at such times, and to such an extent as to make localities near them unhealthy, or to cause the atmosphere in their vicinity to be unwholesome or offensive;

Thirteenth, To establish and regulate one or more pounds, and to prevent the running at large of horses, cattle, swine, and other animals, geese, and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding;

Fourteenth, To prohibit and prevent the running at large of dogs, to require them to be muzzled, and to authorize their being killed, when running at large in violation of any ordinance of the common council, and to prohibit any person from placing, exposing, or administering any poison to any dog, or other animal, not his own, and to punish such person for so doing;

Fifteenth, To prohibit any person from bringing into, or depositing in said city, any dead carcass, or other unwholesome or offensive substances, and to require the removal or destruction of the same; and if any person shall have on his premises such substances, or any putrid meats, fish, hides, or skins of any kind, and

General powers of common council. shall neglect or refuse to authorize the removal or destruction of the same, the same may be done by some officer of said city;

Sixteenth, To compel all persons to keep sidewalks in front of, or adjoining premises owned or occupied by them, clear from snow, ice, dirt, wood, or obstructions;

Seventeenth, To prevent or regulate the ringing of bells, and the crying of goods and other commodities, or other disturbing noises on the streets, lanes, or alleys, or in any public place, or on or in private property adjacent thereto;

Eighteenth, To prescribe the powers and duties of policemen and watchmen, and to impose fines and penalties for their delinquencies, and to require them to be uniformed, and to fix their compensation;

Nineteenth, To regulate and establish the line upon which buildings may be erected upon any street, lane, or alley in said city, and to prevent such building being erected nearer the street than such line, and to impose a fine upon any owner or builder violating this provision, not to exceed five hundred dollars;

Twentieth, To regulate all graveyards in the city, and the burial of the dead;

Twenty-first, To regulate the markets, the vending of hay, wood, meats, vegetables, fruit, fish, grain, and provisions of all kinds, and of other goods or property in the streets, lanes, alleys, or public places in said city, and to prescribe the places for selling the same;

Twenty-second, To establish, regulate, and preserve public reservoirs, wells, and pumps, and to prevent the waste of water; and also to construct reservoirs and wells, and to provide water and water-works for the extinguishment of fires, and for other purposes;

Twenty-third, To prescribe rules to govern carmen, and their carts, draymen, and their drays, hackney carriages and their drivers, scavengers, porters, and chimney sweeps, and their fees and compensation, and the fees to be paid by them into the city treasury for license, to prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts, and carters, drays, and to prescribe the rates of fare, and charges, and the stand or stands for wood, hay, produce, and other property exposed for sale in said city;

Twenty-fourth, To regulate the soliciting of guests for hotels, or other places, and passengers, and others to ride upon any railroad, boat, street-car, omnibus, or stage;

Twenty-fifth, To regulate the lighting of the streets, alleys, and public places, and the protection and safety of the public lamps, and to employ a suitable person to superintend the same, to prescribe his duties, and to fix his compensation therefor;

Twenty-sixth, To regulate, restrain, or prevent hawking and peddling in the streets, lanes, alleys, and public places, and to regulate pawn-brokers;

Twenty-seventh, To prescribe the duties of all officers appointed by the mayor, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and

sureties to be given by the officers of the city for the discharge of Idem. their duties, and the time for executing the same, in cases not herein, or otherwise provided for by law;

Twenty-eighth, To fill up, level, or drain any lot or premises, whenever the common council shall deem it necessary to abate, prevent, or remove any nuisance, and to assess the cost and expenses thereof on said lot or premises, or on the district to be benefited thereby, in the same manner as other special assessments may be made, enforced, and collected;

Twenty-ninth, To fix and regulate the fees of sheriffs, constables, jurors, and witnesses, in any proceeding under this act, or under any ordinance of the common council, in cases not herein or otherwise fixed or regulated by law;

Thirtieth, To provide for public parks and squares, make, grade, improve, and adorn the same, and all grounds in said city belonging to, or under the control of said city, and to control or regulate the same consistently, with the purposes and objects thereof;

Thirty-first, To sell, or otherwise provide for disposing of all dirt, filth, manure, cleanings, lying in or gathered from streets, avenues, lanes, alleys, and public spaces, and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving, or otherwise improving the same;

Thirty-second, To provide for and regulate the lighting of public lamps, and the erection of lamps and lamp posts, and suitable hitching posts; to prohibit all practices, amusements, and doings in said streets, lanes, alleys, public places, parks, and grounds having a tendency to frighten teams and horses, or dangerous to life, limb, or property; to remove or cause to be removed therefrom all wells and structures that may be liable to fall so as to endanger life, limb, or property;

Thirty-third, To preserve quiet and order in the streets and other public places in said city at the arrival and departure of railroad trains, and to prescribe and regulate the manner and places in which drivers, porters, runners, solicitors, agents, and baggage collectors for hotels or public houses or places of public resort, or express companies, draymen, cabmen, cartmen, hackmen, omnibus drivers, and solicitors for passengers or baggage, with their drays, carts, cabs, carriages, sleighs, or other vehicles, shall stand, and to prohibit or prevent them from entering or driving within any railroad depot to solicit passengers or baggage;

Thirty-fourth, To prohibit and prevent in the streets or elsewhere in said city, any lewd and lascivious behavior or indecent exposure of the person; the show, sale, or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings, books or devices, or any written or printed paper or other thing containing obscene, opprobrious, scurrilous, scandalous, libelous or defamatory matter, and all indecent or obscene exhibitions and shows of any kind;

Thirty-fifth, To establish, construct, maintain, repair, enlarge, and discontinue within the streets, avenues, lanes, alleys, and public places of said city, such bridges, culverts, sewers, drains, and lateral

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LOCAL ACTS, 1883.

[No. 198.]

AN ACT to change the name of Shivilard S. Beardsley to Frank S. Johnson.

SECTION 1. *The People of the State of Michigan enact,* That the Name changed. name of Shivilard S. Beardsley, of Crawford county, be and is hereby changed to Frank S. Johnson.

This act is ordered to take immediate effect.

Approved January 26, 1883.

[No. 199.]

AN ACT to amend section twelve of an act entitled "An act to revise and amend the charter of the city of Battle Creek," approved April third, eighteen hundred and seventy-nine.

SECTION 1. *The People of the State of Michigan enact,* That sec- Section twelve, of "An act to revise and amend the charter of the city amended. of Battle Creek," be and the same is hereby amended so as to read as follows:

Sec. 12. The common council, in addition to the powers and General powers of common duties especially conferred upon them in this act, shall have the council. management and control of the finances, rights and interests, buildings, and all property, real and personal belonging to the city, and may make such ordinances and by-laws relating to the same as they shall deem necessary and proper; and further they shall have power to enact, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they deem desirable within said city, for the following purposes:

First, To prevent vice and immorality, to preserve the public peace and good order, to regulate the police of the city, to prohibit, prevent, and quell riots, disturbances, disorderly noises, or assemblies in the streets, or elsewhere in said city;

Second, To prohibit, prevent, and restrain disorderly and gaming houses, to destroy all instruments and devices used for gaming,

General powers of common council. and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables and bowling alleys;

Third, To prohibit, restrain, or prevent persons from gaming for money or other valuable thing, with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines, or other instruments or devices whatsoever, in any grocery, store, shop, or in any other place in said city; to punish the persons keeping the building, place, instruments, devices, or means for such gaming, and to provide for the destruction of the same;

Fourth, To prohibit, prevent, and suppress all lotteries for drawing or disposing of money, property, or valuable thing whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, direction, or management thereof;

Fifth, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks, in violation of the laws of this State, and to forbid the selling or giving to be drank, any intoxicating liquors to any minor or drunkard; and to prohibit, restrain, or regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law, and to fix the fee to be paid by auctioneers;

Sixth, To prohibit, prevent, abate, or remove nuisances of every kind, and to declare what shall be considered nuisances, and to compel the owner or occupant of any grocery, provision store, tallow-chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as they may deem necessary for the health, comfort, and convenience of said city;

Seventh, To direct the location of all slaughter-houses, markets, and buildings for storing gunpowder or other combustible or explosive substances; also to make regulations concerning the buying, carrying, selling, keeping, and using gunpowder, fire-crackers, or fire-works manufactured or prepared therefrom, or other combustible, explosive, or dangerous articles, and the exhibition of fire-works, and the discharge of cannon or fire-arms, and the use and kind of lights or lamps to be used in barns, stables, and all buildings, cellars, and establishments usually regarded as extra hazardous in respect to fire, and to regulate, restrain, or prevent the making of bonfires in streets, lanes, alleys, yards, or public places;

Eighth, To prevent the cumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges, or aqueducts, in any manner whatever, and to remove any obstruction therefrom; to regulate or prevent the exhibition of signs on canvas or otherwise, in or upon any vehicle, standing or traveling upon the streets of said city, or held or carried by any person; to control, prescribe, or regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs; to control, prescribe and regulate the manner in which the streets, lanes, avenues, alleys, public grounds and spaces within said city, shall be used, and to establish the

grades thereof, and to provide for the preservation of, and the prevention of willful injury to the gutters in said streets, lanes, avenues, and alleys; to direct and regulate the planting, and to provide for the protection and preservation of ornamental trees therein;

Ninth, To require any horse, horses, mules, or other animals attached to any vehicle, or standing in any of the streets, lanes, alleys, or public grounds or places in said city, to be securely fastened, held, or watched, and to prevent and punish horse racing and immoderate driving or riding in any street, lane, or alley, and to authorize the stopping and detaining any person who shall be guilty of any immoderate riding or driving in any street, lane, or alley;

Tenth, To determine and designate the route and grade of any railroad to be laid or constructed in said city, and to regulate the use and speed of locomotives, engines, and cars, upon the railroads within said city, and to compel the railroad companies, their officers, agents, managers, and employés to station flagmen at street crossings, and to prescribe the length of time that engines or cars may stand on said streets or otherwise obstruct them, or to prohibit the same, and to make such other rules or regulations concerning the same as to secure the safety of the citizens, or other persons;

Eleventh, To restrain and punish drunkards, vagrants, mendicants, and street beggars soliciting alms or subscriptions for any purpose whatever;

Twelfth, To regulate or prohibit bathing, in any public water, to provide for clearing the rivers, ponds, and streams in said city, and the race and canals connected therewith, of all driftwood and noxious matter, and to prohibit and prevent the depositing therein of any filth, or other matter tending to render the waters thereof impure, unwholesome, and offensive, or drawing the water therefrom at such times, and to such an extent as to make localities near them unhealthy, or to cause the atmosphere in their vicinity to be unwholesome or offensive;

Thirteenth, To establish and regulate one or more pounds, and to prevent the running at large of horses, cattle, swine, and other animals, geese, and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding;

Fourteenth, To prohibit and prevent the running at large of dogs, to require them to be muzzled, and to authorize their being killed, when running at large in violation of any ordinance of the common council, and to prohibit any person from placing, exposing, or administering any poison to any dog, or other animal, not his own, and to punish such person for so doing;

Fifteenth, To prohibit any person from bringing into, or depositing in said city, any dead carcass, or other unwholesome or offensive substances, and to require the removal or destruction of the same; and if any person shall have on his premises such substances, or any putrid meats, fish, hides, or skins of any kind, and

General powers of common council. shall neglect or refuse to authorize the removal or destruction of the same, the same may be done by some officer of said city;

Sixteenth, To compel all persons to keep sidewalks in front of, or adjoining premises owned or occupied by them, clear from snow, ice, dirt, wood, or obstructions;

Seventeenth, To prevent or regulate the ringing of bells, and the crying of goods and other commodities, or other disturbing noises on the streets, lanes, or alleys, or in any public place, or on or in private property adjacent thereto;

Eighteenth, To prescribe the powers and duties of policemen and watchmen, and to impose fines and penalties for their delinquencies, and to require them to be uniformed, and to fix their compensation;

Nineteenth, To regulate and establish the line upon which buildings may be erected upon any street, lane, or alley in said city, and to prevent such building being erected nearer the street than such line, and to impose a fine upon any owner or builder violating this provision, not to exceed five hundred dollars;

Twentieth, To regulate all graveyards in the city, and the burial of the dead;

Twenty-first, To regulate the markets, the vending of hay, wood, meats, vegetables, fruit, fish, grain, and provisions of all kinds, and of other goods or property in the streets, lanes, alleys, or public places in said city, and to prescribe the places for selling the same;

Twenty-second, To establish, regulate, and preserve public reservoirs, wells, and pumps, and to prevent the waste of water; and also to construct reservoirs and wells, and to provide water and water-works for the extinguishment of fires, and for other purposes;

Twenty-third, To prescribe rules to govern carmen, and their carts, draymen, and their drays, hackney carriages and their drivers, scavengers, porters, and chimney sweeps, and their fees and compensation, and the fees to be paid by them into the city treasury for license, to prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts, and carters, drays, and to prescribe the rates of fare, and charges, and the stand or stands for wood, hay, produce, and other property exposed for sale in said city;

Twenty-fourth, To regulate the soliciting of guests for hotels, or other places, and passengers, and others to ride upon any railroad, boat, street-car, omnibus, or stage;

Twenty-fifth, To regulate the lighting of the streets, alleys, and public places, and the protection and safety of the public lamps, and to employ a suitable person to superintend the same, to prescribe his duties, and to fix his compensation therefor;

Twenty-sixth, To regulate, restrain, or prevent hawking and peddling in the streets, lanes, alleys, and public places, and to regulate pawn-brokers;

Twenty-seventh, To prescribe the duties of all officers appointed by the mayor, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and

sureties to be given by the officers of the city for the discharge of ~~Idem~~ their duties, and the time for executing the same, in cases not herein, or otherwise provided for by law;

Twenty-eighth, To fill up, level, or drain any lot or premises, whenever the common council shall deem it necessary to abate, prevent, or remove any nuisance, and to assess the cost and expenses thereof on said lot or premises, or on the district to be benefited thereby, in the same manner as other special assessments may be made, enforced, and collected;

Twenty-ninth, To fix and regulate the fees of sheriffs, constables, jurors, and witnesses, in any proceeding under this act, or under any ordinance of the common council, in cases not herein or otherwise fixed or regulated by law;

Thirtieth, To provide for public parks and squares, make, grade, improve, and adorn the same, and all grounds in said city belonging to, or under the control of said city, and to control or regulate the same consistently, with the purposes and objects thereof;

Thirty-first, To sell, or otherwise provide for disposing of all dirt, filth, manure, cleanings, lying in or gathered from streets, avenues, lanes, alleys, and public spaces, and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving, or otherwise improving the same;

Thirty-second, To provide for and regulate the lighting of public lamps, and the erection of lamps and lamp posts, and suitable hitching posts; to prohibit all practices, amusements, and doings in said streets, lanes, alleys, public places, parks, and grounds having a tendency to frighten teams and horses, or dangerous to life, limb, or property; to remove or cause to be removed therefrom all wells and structures that may be liable to fall so as to endanger life, limb, or property;

Thirty-third, To preserve quiet and order in the streets and other public places in said city at the arrival and departure of railroad trains, and to prescribe and regulate the manner and places in which drivers, porters, runners, solicitors, agents, and baggage collectors for hotels or public houses or places of public resort, or express companies, draymen, cabmen, cartmen, hackmen, omnibus drivers, and solicitors for passengers or baggage, with their drays, carts, cabs, carriages, sleighs, or other vehicles, shall stand, and to prohibit or prevent them from entering or driving within any railroad depot to solicit passengers or baggage;

Thirty-fourth, To prohibit and prevent in the streets or elsewhere in said city, any lewd and lascivious behavior or indecent exposure of the person; the show, sale, or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings, books or devices, or any written or printed paper or other thing containing obscene, opprobrious, scurrilous, scandalous, libelous or defamatory matter, and all indecent or obscene exhibitions and shows of any kind;

Thirty-fifth, To establish, construct, maintain, repair, enlarge, and discontinue within the streets, avenues, lanes, alleys, and public places of said city, such bridges, culverts, sewers, drains, and lateral

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drains and sewers, as the common council may see fit, with a view to the proper drainage and sewerage of said city; to compel the owners or occupants of all occupied lots, premises, and subdivisions thereof within said city, to construct private drains and sewers therefrom to connect with some public sewer or drain; said private drains and sewers shall be constructed in such manner and of such form and dimensions, and under such regulations as shall be prescribed;

Thirty-sixth, To survey and establish the boundaries of the city, and of all streets, avenues, lanes, alleys, public parks, grounds, squares, and spaces in said city; to prevent and remove all encumbrances and encroachments upon the same by buildings, fences, or in any other manner, and to number the buildings; and to assess and collect the expense of such numbering of the owner or occupant;

Thirty-seventh, To provide for the preservation of the general health of the inhabitants of said city; to make regulations to secure the same; to prevent the introduction or spreading of contagious or infectious diseases; to prevent and suppress the causes of diseases generally, and, if deemed necessary, to establish a board of health, and prescribe and regulate its powers and duties;

Thirty-eighth, To prohibit, prevent, and suppress the keeping of houses of ill-fame or assignation, or for the resort of common prostitutes, disorderly houses, and disorderly groceries; to restrain, suppress, and punish the keepers thereof, and of persons found therein; to punish and restrain common prostitutes, vagrants, and drunken and disorderly persons; to prohibit, prevent, and suppress mock auctions and every kind of fraudulent game, device, or practice, and to punish all persons mauaging, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management, use, and practice thereof;

Thirty-ninth, To prohibit, prevent, and suppress the sale of every kind of unsound, nauseous, or unwholesome meat, poultry, fish, vegetables, or other articles of food and provisions; and to punish all persons who shall knowingly sell the same, or offer or keep the same for sale;

Fortieth, To prevent the violation of the Sabbath and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose;

Forty-first, To secure said city and its inhabitants against injuries by fire, thieves, robbers, burglars, and other persons violating the public peace;

Forty-second, To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same;

Forty-third, To prohibit and prevent, within certain limits or districts, in said city, to be determined by the common council, the location or construction of buildings for storing gunpowder, powder factories, tanneries, distilleries, buildings for the manufacture of turpentine, camphene, and dangerous or explosive substances, slaughter houses and yards, butchering shops, soap, candle, starch

and glue factories, establishments for steaming or rendering lard, tallow, offal and such other substances as can be rendered into tallow, lard, or oil, and all establishments where any nauseous, offensive or unwholesome business may be carried on; and such buildings, factories, shops, and establishments as aforesaid, now or hereafter to be constructed in said city, together with blacksmith shops, foundries, cooper shops, steam boiler factories, carpenter shops, planing establishments, breweries, and all buildings and establishments usually regarded as extra hazardous in respect to fire, shall be subject to such regulations in relation to their construction and management as the common council may make, with a view to the protection of any from injury by fire, or of the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances;

Forty-fourth. To prescribe from time to time, limits, or districts within said city, within which wooden buildings and structures shall not be erected, placed, or enlarged, and to direct the manner of constructing and repairing buildings within such limits or districts, and the material of which the outer walls and roofs shall be constructed and repaired, with respect to protection against fire; to prohibit and prevent the removal of wooden or frame buildings from any other place to any lot or place within such limits or district;

Forty-fifth. To regulate or prohibit within such limits or districts the location of shops, the prosecution of any trade, or business, the keeping of lumber yards, and the storing of lumber, wood, or other easily inflammable material, in other places, when, in the opinion of the common council, the danger from fire is increased; and every building or structure which may be erected, placed, or enlarged or kept in violation of any ordinance or regulation of the common council made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by direction of the common council;

Forty-sixth. To regulate the construction of division or partition fences, and of partition and parapet walls, the walls of buildings, and their thickness; to regulate the construction of chimneys, hearths, fire-places, fire-arches, ovens, and the putting up of stoves, stove-pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys, and chimney flues; to compel and regulate the cleaning thereof, and to fix the fees therefor; to compel and regulate the construction of ash-houses, or depositories for ashes; to compel the owners of houses, and other buildings, to have scuttles in the roofs thereof, and steps or ladders leading to the same; to authorize and empower the proper officers to enter into all buildings and enclosures, to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition, and to punish any person for neglecting or refusing so to do; to authorize any of the officers of the city to keep all idle or suspicious persons away from the vicinity of fires, and to compel all officers of the city, and other persons, to

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council.

aid in the extinguishment of fires, and in the preservation of property exposed to danger therefrom;

Forty-seventh., To establish, regulate, and maintain a fire department, and to provide for the prevention and extinguishment of fires; to establish, organize, regulate, and maintain all such fire engine, hook and ladder, and hose and bucket companies as may be deemed necessary; to provide such companies with necessary and proper buildings, engines and other implements and things necessary to prevent and extinguish fires; to appoint from among the inhabitants of said city, such number of men willing to accept, as may be deemed necessary and proper, to be employed as firemen, not exceeding one hundred, for each company; and such fire, hose, and hook and ladder companies, shall each have the power to elect their own officers, except chief and assistant chief engineer, and to pass by-laws for the organization and government of their respective companies: *Provided, however,* That the common council may also adopt rules for the organization and government of said companies, which shall take precedence over the by-laws of said companies. The common council shall appoint a chief and assistant chief engineer. Every person belonging to any of said companies may obtain from the recorder a certificate of such membership, which shall be evidence thereof; and the members of any such company, during their continuance as such, shall be exempt from all duty in the militia, in time of peace, and also from serving on any jury in any of the courts of this State, or payment of poll-tax; and it shall be the duty of each of said companies to take reasonable care of the fire engines, hose carts, hose, ladders, buckets, and other instruments and things used by said companies respectively, and in no case by wrongful act or neglect doing or permitting injury thereto; and upon any alarm, or breaking out of any fire, within said city, each company shall forthwith assemble at the place of said fire, with the engine, or other implements of each of said companies, and be subject to the orders of the chief engineer of the fire department; and it shall be the duty of each of said companies to assemble once in each month, or as often as may be directed by the common council, for the purpose of working or examining said engines, and other implements, with a view to their perfect order and repair, and for practice;

Forty-eighth., To license and regulate solicitors of passengers or baggage for the benefit of any hotel, tavern, public house, boat, private house, railroad, or other place; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every description used and employed for hire, and to fix and regulate the amount and rates of their compensation;

Forty-ninth., To license and regulate auctioneers, hawkers, peddlers, and pawnbrokers, and to regulate auctions, hawking, peddling, and pawnbrokerage; to license and regulate the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods, and other property whatsoever, by hand, hand-cart, show-case, show-stand, or otherwise, in the public streets, lanes, alleys, and public places;

Fiftieth, To prohibit and prevent, or license and regulate the ~~Idem.~~ public exhibition, by itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind;

Fifty-first, To regulate the keeping of hotels, taverns, and other public houses, groceries, ordinaries, saloons, and victualing, and other houses, or places for furnishing meals, food, or drink; to regulate butchers; to license, regulate, or suppress hucksters; to regulate the keepers of shops, stalls, booths, or stands at markets or any other place in said city, for the sale of any kind of meat, fish, poultry, vegetables, food, and provisions; to regulate the measuring of wood, weighing of hay, and gauging articles to be measured, inspected, weighed, and gauged;

Fifty-second, To provide for taking a census of the inhabitants of the city, whenever the common council may see fit, and to control and regulate the same; to erect and provide for the erection of all needful buildings and offices for the use of the city or of its officers, and to control and regulate the same; to establish and build prisons, workhouses, and houses of correction, for the confinement of offenders, and to control and regulate the same;

Fifty-third, To provide for the imprisonment and confinement in said prisons, workhouses, and houses of correction, or in the common jail of Calhoun county, at hard labor or otherwise, all persons liable to be imprisoned under this act, or any ordinance of the common council, whenever convicted of a violation thereof, by any court having jurisdiction of the same;

Fifty-fourth, To provide for the punishment of all offenders for violations of, or offenses against this act or any ordinance of the common council, enacted under this or any other act of the legislature, by holding to bail for good behavior, by imposing fines, penalties, forfeitures, and costs, or by imprisonment in the common jail of Calhoun county, or any prison, workhouse, or house of correction in said city, or in the State house of correction at Ionia, in the discretion of the court or magistrate before whom a conviction may be had. If only a fine, penalty, or forfeiture, with costs, be imposed, the offender may be sentenced to be imprisoned until the payment thereof, for a term not exceeding six months. All punishments for offenses against the ordinances of the common council shall be prescribed in the ordinances creating or specifying the offense to be punished, and no penalty, fine, or forfeiture shall exceed five hundred dollars, and no imprisonment shall exceed the period of six months;

Fifty-fifth, To provide for the employment of all persons confined for the non-payment of any fine, penalty, forfeiture, or costs, or for any offense under this act, or any ordinance of the common council, in the common jail of Calhoun county, or in any prison, workhouse, or house of correction of said city, at work or labor, either within or without the same, or upon the streets, lanes, alleys, or public grounds of said city, or any public work under the control of the common council; to allow any person so confined for

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council.**

the non-payment of any fine, penalty, forfeiture, or costs, to pay and discharge the same by such work or labor, and to fix the value and rates of such work and labor;

Fifty-sixth, To authorize the granting, issuing, and revoking of licenses in all cases where licenses may be granted and issued under this act and the ordinances of the common council; to direct the manner of issuing and registering the same, and by what officer they shall be issued and revoked, and to prescribe the amount of money to be paid therefor to the city treasurer, but no license shall be granted for more than one year;

Fifty-seventh, To provide for printing and publishing all matters required to be printed and published under this act, or by order of the common council, in such manner as the common council may prescribe;

Fifty-eighth, The common council shall have power, by the vote of two-thirds of all the aldermen elect, to purchase, hold, or sell real estate for the use of said city, for corporate purposes; and also to purchase and control land for cemetery purposes, either within or without the corporate limits of said city, and to have and exercise the same power and control over the same as though the same was within the limits of said city.

Ordered to take immediate effect.

Approved January 31, 1883.

[No. 200.]

AN ACT to legalize the assessment and assessment roll of the village of St. Charles, in the county of Saginaw, for the year eighteen hundred and eighty-two.

**Assessment and
assessment roll
equalized for
1882.**

SECTION 1. *The People of the State of Michigan enact,* That the assessment and the assessment roll of the village of St. Charles, in the county of Saginaw, for the year one thousand eight hundred and eighty-two, be and the same is hereby declared valid and legal, and the marshal or tax collector of said village is hereby authorized and empowered to collect all of the taxes in said roll and make returns thereof, and all the proceedings for the collection and payment of taxes under and by virtue thereof, be and the same is hereby declared to be legal and valid.

Ordered to take immediate effect.

Approved January 31, 1883.

[No. 201.]

AN ACT to authorize the common council of the city of Corunna to issue bonds of the city of Corunna, to the amount of ten thousand dollars, to aid said city in paying its indebtedness, and for city purposes.

**Council author-
ized to issue
bonds.**

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Corunna may forthwith issue,

on behalf of the city of Corunna, for the purpose of enabling said city to raise moneys wherewith to pay its indebtedness, and for city purposes, bonds to the amount of ten thousand dollars, on not to exceed fifteen years time, at a rate of interest not to exceed six per cent per annum until paid; and that the mayor and clerk of said city may fully execute and negotiate such bonds on behalf of said city when so directed by the said common council. All former acts and parts of acts to the contrary notwithstanding.

This act is ordered to take immediate effect.

Approved February 3, 1883.

[No. 202.]

AN ACT to legalize the proceedings had in laying out a certain ditch or drain in the townships of Alaiedon and Meridian in the county of Ingham, and to legalize the tax therefor.

SECTION 1. *The People of the State of Michigan enact,* That all the proceedings had in the laying out, establishment, and construction of a certain ditch in the townships of Alaiedon and Meridian, in the county of Ingham, known as the Herron creek ditch, are hereby declared to be legalized, and the taxes assessed upon the rolls of the said townships of Alaiedon and Meridian for the year eighteen hundred and eighty-two, for the construction of said ditch, are hereby declared to be a legal and valid lien upon the property assessed for the full amount of such taxes, as though the proceedings heretofore had been regular in every particular.

This act is ordered to take immediate effect.

Approved February 20, 1883.

[No. 203.]

AN ACT to organize the township of Seney, in the county of Schoolcraft.

SECTION 1. *The People of the State of Michigan enact,* That the surveyed townships numbered forty-six (46) and forty-seven (47), north of range thirteen (13) west, and townships numbered forty-six (46) and forty-seven (47) north, of range fourteen (14) west, now forming part of the township of Manistique, in the county of Schoolcraft, and township number forty-six (46) north, of range fifteen (15) west, now forming part of the township of Munising, and township number forty-seven (47) north, of range fifteen (15) west, now forming a portion of the township of Burt, be and the same are detached from the residue of the above named townships respectively, and organized into a separate township, to be known as the township of Seney.

SEC. 2. The first annual meeting of said township of Seney shall be held on the first Monday of April next, at the store of James A. Sayers, on section thirty-three (33), in surveyed township number

Proceedings in laying out, constructing, etc., ditch, legalized.

Taxes assessed for construction of, legalized, etc.

Lien upon the property assessed.

**Board of
inspectors.**

forty-six (46) north, of range thirteen (13) west, and John F. Chisholm, Thomas J. Millen, and James A. Sayers are hereby made and constituted a board of inspectors of said township election, and at such election the qualified electors shall choose by ballot persons to fill the various township offices in manner and form as provided by the general laws of this State in case of township elections.

**Further provi-
sion for election.**

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time and place specified for holding the same, it shall be lawful to hold the same at any time thereafter by giving at least fifteen (15) days' notice of the time and place of holding such meeting by posting notice thereof in four of the most public places in said township, which notice may be given by said board of inspectors of election, or a majority of them.

**Further provi-
sion for board
of inspectors.**

SEC. 4. If for any reason all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified, it shall be lawful for the electors of said township, who shall be present at the time and place designated for opening the polls of said election to choose from the electors present suitable persons to act as inspectors of said election, in place of such inspectors who shall neglect or be unable to attend said meeting.

**Board of
registration.**

SEC. 5. And the said John F. Chisholm, Thomas J. Millen, and James A. Sayers, or a majority of them, shall constitute a board of registration, with like powers and duties of township boards of registration in other cases, and the holding of the session of said board of registration shall be at the store of James A. Sayers on the Saturday preceding said election.

This act is ordered to take immediate effect.

Approved February 21, 1883.

[No. 204.]

AN ACT to incorporate the village of Essexville.

**Territory
incorporated.**

SECTION 1. *The People of the State of Michigan enact,* That all that district of country, situate in the county of Bay and State of Michigan, embraced within the following limits, to wit: Beginning at a point in the centre of the Saginaw river, where the section line between sections fourteen (14) and fifteen (15), in township fourteen (14) north, of range five (5) east, crosses said river, and running thence southerly on the section line between said sections fourteen (14) and fifteen (15), and on the section line between sections twenty-two (22) and twenty-three (23), in said township, to a point where the east and west line, which forms the south boundary of the "Nebobish Reserve," crosses said section line between sections twenty-two (22) and twenty-three (23), aforesaid; thence easterly on said south boundary line of the "Nebobish Reserve," to a point where it is intersected by the east line of the west half of the west half of section twenty-four (24), in said town-

ship; thence northerly on said east line of the west half of the west half of said section twenty-four (24) and on the east line of the west half of the west half of section thirteen (13), and on the east line of the west half of the west half of section twelve (12), to a point forty (40) rods north of the section line between said sections twelve (12) and thirteen (13), thence west to the centre of the Saginaw river; thence southerly and westerly along the centre of said river to the place of beginning, be and the same is hereby constituted and declared to be a village by the name of "Essexville;" and the freemen of said village, from time time being ^{Declared a body politic and corporate.} inhabitants thereof, are hereby declared to be a body politic and corporate, to be known and distinguished by the name and title of "Essexville."

SEC. 2. The first election to be held in said village shall be held ^{First election. Where held.} at the office of William Felker, now township clerk of the township of Hampton, in said Bay county, and which office is within the limits of said village as above set forth, on the second Monday in March, in the year of our Lord one thousand eight hundred and eighty-three. The polls of said election shall be open on that day ^{Polls, when open.} from eight o'clock in the forenoon until five o'clock in the afternoon, but the inspectors of said election may, in their discretion, close said polls for one hour from twelve o'clock noon until one o'clock in the afternoon.

SEC. 3. Sidney A. Hall, Calvin A. Walreth and William Felker, ^{First board of registration.} all of whom are qualified electors, resident within the limits of said village, are hereby constituted and declared to be the first board of registration of said village, and any two members of said board ^{Quorum.} shall constitute a quorum for all purposes. Said board of registration shall be in session at the office of William Felker, mentioned in section two (2) of this act, on Friday and Saturday next preceding the time specified in said section two (2) for the holding of the election therein mentioned, from nine o'clock in the forenoon until twelve o'clock noon, and from one o'clock until five o'clock in the afternoon, for the purpose of completing the registration of the electors of said village. Prior to the meeting of said board of registration, the township clerk of said township of Hampton, from which township the territory comprised within said village is taken, shall make and furnish to said board a true copy of the names of all electors of said township of Hampton, and who reside within said territory comprised in said village, from the register of electors of said township used at the general election held therein in November, in the year of our Lord eighteen hundred and eighty-two; and said copy shall be certified by said clerk, and the expense ^{Township clerk to make and certify to a copy of names of all electors, etc., from register of 1882, etc.} of certifying and preparing the same shall be paid by said village; said copy shall be used as, and shall constitute the registration list of [for] said village. The members of said board are hereby vested with the same powers and authority, and they shall possess the same rights and privileges and receive the same compensation as members of the board of registration for townships. Applicants for registration, who shall appear before said board at the time hereinbefore specified, shall have the same rights and privileges as applicants for ^{Expense of copy.} ^{Said copy shall be registration. Powers and compensation of board.} ^{Applicants for registration.}

Copy to be delivered to inspectors of election after correction.

registration in townships. Said copy, after being used by said board, as aforesaid, shall, with all corrections, alterations, erasures, and additions made thereto by said board or by a member thereof, be produced by them at the opening of the polls on said second Monday in March, in the year of our Lord eighteen hundred and eighty-three, at the place specified in section two (2) of this act, and then and there delivered over to the inspectors of said election, to be then and there chosen by the electors there present, and said election shall be conducted in the same manner as, and the electors resident within said village shall have the same rights and privileges as electors at township elections. Notice of the time and place of meeting of said board of registration shall be given by posting notices thereof, signed by the members of said board, or two of them, in three public places within said village, at least eight days prior to the first meeting of said board.

Inspectors of election to be chosen.

How election to be conducted.

Notice of meeting of board of registration to be given.

Notice of first election.

General act governing said village.

SEC. 4. Notice of the time and place of holding said first election shall be given by said William Felker, clerk of the township of Hampton aforesaid, by posting notices thereof signed by him, at least eight days prior thereto, in three or more public places within said village, and by publishing said notice in the "Evening Press," a daily paper published in Bay City, in Bay county, for one week preceding said election.

SEC. 5. Said village shall be subject in all respects to act number sixty-two of the public acts of the legislature of Michigan of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, as since amended by the acts amendatory thereof, except as herein otherwise provided; and all of the provisions of said act and the rights, powers and privileges therein granted to, and the duties and obligations therein imposed upon and defined in regard to incorporated villages, and all other general statutes of the State relative to the same, shall apply to, control and govern said village of Essexville as far as applicable, and shall be deemed and considered as of equal force and obligation as if expressly recited in and forming part of this act.

This act is ordered to take immediate effect.

Approved February 21, 1883.

[No. 205.]

AN ACT to legalize the assessment and tax roll of the village of Pewamo, Ionia county, and to extend the time for the collection of the taxes assessed on said tax roll of said village of Pewamo, for the year eighteen hundred and eighty-two.

Assessment and tax roll legalized.

SECTION 1. *The People of the State of Michigan enact,* That the assessments and tax roll of the village of Pewamo, in the county of Ionia, made in the year eighteen hundred and eighty-two, be and the same is hereby declared as valid and legal as

though the assessor of said village had fully complied with law contained in the act incorporating said village.

SEC. 2. That the time for the collection of the taxes in said roll ^{Time for collection of, extended.} be and the same is hereby extended until the first day of March next.

SEC. 3. That the marshal of said village is hereby authorized and ^{Warrant renewed.} empowered to proceed and collect said taxes as fully as he could in the lifetime of said warrant, and said warrant is hereby continued in full force and virtue until that time.

SEC. 4. If any person shall neglect or refuse to pay any tax ^{Collection of by marshal.} assessed to him, the village marshal is hereby authorized and empowered to collect the same, in the manner provided by sections thirty-five, thirty-six, thirty-seven, and thirty-eight, of act number nine, of the session laws of eighteen hundred and eighty-two, being an act to provide for the assessment of property and the levy and collection of taxes thereon.

This act is ordered to take immediate effect.

Approved February 21, 1883.

[No. 206.]

AN ACT to incorporate the village of LeRoy, in Osceola county.

SECTION 1. *The People of the State of Michigan enact,* That all ^{Territory incorporated.} tract of country situate and being within the township of Le-Roy, in the county of Osceola and State of Michigan, described as follows, to-wit: Section thirteen (13), of township number nineteen (19) north, of range ten (10) west, be and the same is hereby constituted a village corporate by the name of the village of Le-Roy.

SEC. 2. The first election for officers of said village shall be held ^{First election of officers.} on the first Monday in March, in the year of our Lord eighteen hundred and eighty-three, at the Odd Fellows' hall in said village, notice of which shall be posted in three or more of the most ^{Notice of to be given.} public places in said village by the board of registration hereinafter appointed, at least ten days prior to such election; said notice shall also be published at least once prior to said election in the Reed City Clarion.

SEC. 3. J. E. Bevins, H. M. Patrick, and G. W. Averill are ^{Board of registration for first election.} hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet at the hall afore-^{Meeting of.} said, on Saturday preceding the first Monday in March, eighteen hundred and eighty-three, and register the names of all persons who are residents of said village presenting themselves for registration and having the qualifications of voters at annual township meetings. And said board of registration shall cause notices of ^{Notice of to be given.} said meeting to be posted in three or more of the most public places in said village at least ten days previous thereto: *Provided,* That ^{Further provision for election.} the neglect or failure to hold such election at the time hereinbefore

named shall not be deemed to work a dissolution of said corporation; but in such case it shall be lawful to hold such election at any time within one year thereafter, pursuant to like notice as hereinbefore required.

General act governing.

SEC. 3. The said village of LeRoy shall in all things not herein otherwise provided be governed, and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereof.

This act is ordered to take immediate effect.

Approved February 21, 1883.

[No. 207.]

AN ACT to incorporate the village of McBride, in the county of Montcalm.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact,* That the following lands and territory in the township of Day, in the county of Montcalm, described as follows, to-wit: The east half of the southeast quarter of section eight, the west half of the southwest quarter of section nine, the northwest quarter of the northwest quarter of section sixteen, and the northeast quarter of the northeast quarter of section seventeen, township eleven north, of range six west, be and the same is hereby constituted a village corporate, by the name of the village of McBride.

First election of officers.

SEC. 2. The first election for officers shall be held at the Commercial hotel, in said village, on the second Tuesday in March, eighteen hundred and eighty-three, notice of which shall be posted in three public places in said village, by the board of registration hereinafter appointed, at least ten days prior to said election; said notice shall also be published at least once prior to said election, in the "Montcalm Republican."

Board of registration for first election.

SEC. 3. Darwin J. Maynard, J. E. Gerow, and R. P. Comfort are hereby constituted a board of registration, for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet at the Commercial hotel aforesaid, on the Saturday preceding the second Tuesday in March, eighteen hundred and eighty-three, aforesaid, and register the names of all persons, residents of said village, presenting themselves for registration, and having the qualifications of voters at annual township meetings. And the said board of registration shall cause notice of said meeting to be posted in three public places in said village at least ten days previous thereto.

When and where to meet.

Notice of meeting.

General act governing.

SEC. 4. Said village of McBride shall, in all things not herein otherwise provided, be governed, and its powers and duties defined, by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereof.

SEC. 5. In case said officers are not elected at the time designated in section two of this act, an election for officers may be held at any time within one year from the time designated in said section two of this act, upon notice of such election, and the meeting of the board of registration being given, as prescribed by this act. Further provision for election.

This act is ordered to take immediate effect.

Approved February 21, 1883.

[No. 208.]

AN ACT to re-incorporate the village of Decatur in the county of Van Buren, and to repeal act number two hundred and forty-four of the session laws of eighteen hundred and sixty-one, entitled "An act to incorporate the village of Decatur, approved March sixteenth, eighteen hundred and sixty-one, as revised by act number two hundred and sixty-six of the session laws of eighteen hundred and seventy-three, entitled an act to revise the charter of the village of Decatur, approved April twenty-five, eighteen hundred and seventy-three, and act amendatory thereto."

SECTION 1. *The People of the State of Michigan enact,* That all tract of land situate in the county of Van Buren and State of Michigan, in town four south, range fourteen west, described as commencing ten (10) chains north of the northwest corner of the northeast quarter ($\frac{1}{4}$) of section twenty (20), thence running east ten (10) chains, thence south seventy (70) chains, thence west ninety (90) chains and forty-three (43) links, thence north seventy (70) chains, thence east eighty (80) chains and forty-three (43) links, shall be known and reincorporated as the village of Decatur.

SEC. 2. The officers in said village, now in office, shall continue in office with the same powers and duties as are conferred by this act upon like officers, until their successors shall be elected, pursuant to the provisions of this act, and the general law relating to villages, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five. Present officers continued.

SEC. 3. All ordinances and resolutions of said village of Decatur shall continue in force until repealed by the common council of said village. Ordinances and resolutions continued in force.

SEC. 4. The first election of officers under the provisions of said act shall be held at the town hall in said village, on the second Monday in March, in the year of our Lord one thousand eight hundred and eighty-three. The polls shall be opened at the time, and the Polls. said election shall be held and conducted in all respects as provided for in the general act for the incorporation of villages, and the legal Registration. voters of said village shall be registered as provided for by the law in relation to the registration of voters, and by said general act, and the present village president, recorder, and one trustee, to be named Board of. by the present common council, shall be the village board of regis-

Notice of.

tration for the present year, and shall act as such board at the time and place stated in section seven, chapter one of said general act; and notice of such registration shall be given according to said section. Said registration shall be held at the common council room in said village.

Notice of first election of officers.

SEC. 5. Notice of the first election of officers under the preceding section and said general act shall be given by the present board of trustees of said village, by posting three written or printed notices thereof in three of the public places in said village, at least eight days before said election.

Village subject to general law, etc.

SEC. 6. Said village of Decatur is hereby made subject to the general law entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto.

Regulation of sale of liquors, etc.

SEC. 7. The council may provide by ordinance for the assessment and collection of a tax of not less than fifty dollars, nor more than two hundred and fifty dollars, annually, upon each and every person within the limits of said village, who is or shall be engaged in the business of selling, or offering for sale, as a beverage, spirituous or intoxicating liquors, malt or brewed liquors, or any intoxicating beverage at wholesale or retail.

Employment of persons confined for non-payment of fines, etc.

SEC. 8. The common council shall have power to, and may provide by ordinance, for the employment of all persons confined for the non-payment of any fine, penalty, forfeiture, or costs; or for any offense under the aforesaid act, granting and defining the powers and duties of incorporated villages, approved April first, eighteen hundred and seventy-five, and acts amendatory thereto; or under this act, or any ordinance or resolution of the common council of the village of Decatur, in the village jail of said village, or the common jail of Van Buren county, at labor, either within or without the same, or upon the streets, lanes, alleys, or public grounds of said village, or on any public works under the control of the common council; to allow any person so confined for the non-payment of any fine, penalty, forfeiture, or costs, to pay and discharge the same by such labor, and to fix the value and rates of such labor.

Act repealed.

SEC. 9. Act number two hundred and forty-four of the session laws of eighteen hundred and sixty-one, entitled "An act to incorporate the village of Decatur, Van Buren county, Michigan, as revised by act number two hundred and sixty-six of the session laws of eighteen hundred and seventy-three, entitled 'An act to revise the charter of the village of Decatur,'" approved April twenty-five (25), eighteen hundred and seventy-three, and acts amendatory thereto, are hereby repealed.

This act is ordered to take immediate effect.

Approved February 21, 1883.

[No. 209.]

AN ACT to detach certain territory from the present township of Denton, in Roscommon county, and to attach the same to the township of St. Helen, in said county.

SECTION 1. *The People of the State of Michigan enact,* That township twenty-two north, of range one west, now forming part of the township of Denton, in Roscommon county, be and the same is hereby detached from said township of Denton and attached to the township of St. Helen, in said county of Roscommon.

Sec. 2. The taxes assessed on said detached territory for the year eighteen hundred and eighty-two, by the supervisor of the township of Denton, shall be paid in the same manner as other taxes to the treasurer of said township, and belong to the same township, and be paid out by the treasurer for the purposes for which raised and assessed.

This act is ordered to take immediate effect.

Approved February 21, 1883.

Territory detached from Denton and attached to St. Helen.

Taxes for 1882 to whom paid, etc.

[No. 210.]

AN ACT to authorize the township of Clyde, St. Clair county, to issue and sell its bonds for the construction of an iron bridge over Black river.

SECTION 1. *The People of the State of Michigan enact,* That the township of Clyde, in the county of St. Clair, and State of Michigan, be and it is hereby authorized and empowered to borrow on the credit of said township, the sum of three thousand dollars, for the term of not exceeding six years, at a rate of interest not exceeding seven per cent per annum, payable annually, and for that purpose may issue forthwith the bonds of the said township, signed by the township board, and countersigned by the treasurer, and in such forms and sums, not exceeding three thousand dollars, as the township board shall direct. Such bonds shall be disposed of under the direction of the township board of said township, upon such terms as they shall deem advisable, but not less than par value, and the avails thereof shall be applied solely to pay the balance due on the contract for the construction of said iron bridge.

Sec. 2. It shall be the duty of the said township board of said township, to provide by tax for the payment of the interest accruing on said bonds, as it shall become due, which tax shall be in addition to, and shall be levied and collected in the same manner as the taxes which the township board now is, or may hereafter be authorized to levy. And it shall be the duty of the township board of said township to provide for the payment of said bonds, at the maturity thereof, by tax upon the taxable property of said township, and collect the same as aforesaid.

This act is ordered to take immediate effect.

Approved February 21, 1883.

Township of Clyde authorized to borrow money and issue bonds.

Township board to dispose of bonds.

Township board to provide by tax for payment of interest.

To provide for payment of bonds at maturity.

[No. 211.]

AN ACT to re-incorporate the village of Alma in the county of Gratiot, and to repeal act number two hundred and fifty-one, session laws of eighteen hundred and seventy-three, as amended by act number three hundred and fifty-two, session laws of eighteen hundred and seventy-five.

**Territory
reincorporated.**

SECTION 1. *The People of the State of Michigan enact,* That all those tracts of land [lands] situate in the townships of Arcada and Pine River, county of Gratiot, described as follows: The north half of section number three (3) and the east half of the northeast quarter of section number four (4) in township number eleven (11) north, of range number three (3) west, and the south half of section number thirty-four (34), and the east half of the southeast quarter of section number thirty-three (33), in township number twelve (12) north, of range number three (3) west, shall be known and re-incorporated as the village of Alma.

**Present officers
to continue in
office, until, etc.**

SEC. 2. The officers in said village, now in office, shall continue in office, with the same powers and duties as are conferred by this act upon like officers, until their successors shall be elected pursuant to the provisions of this act, and the general law relating to the incorporating of villages.

**Present ordi-
nances con-
tinued.**

SEC. 3. All ordinances and resolutions of said village of Alma shall continue in force, and shall be legal and binding on said village, until repealed by the common council of said village.

**First election
of officers.**

SEC. 4. The first election of officers under the provisions of this act, shall be held in said village on the second Monday in March, in the year of our Lord eighteen hundred and eighty-three. The polls shall be opened at the time, and the said election shall be held and conducted, in all respects, as provided for in the general law, and the legal voters of said village shall be registered as provided for by the law in relation to the registration of voters.

**Notice of
first election.**

SEC. 5. Notice of the first election of officers in said village shall be given by the present board of trustees of said village, by posting three written or printed notices thereof in three of the most public places in said village, at least eight days before said election.

**Act reincor-
porated under.**

SEC. 6. The village of Alma is hereby re-incorporated under an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto.

Act repealed.

SEC. 7. Act number two hundred and fifty-one, session laws of eighteen hundred and seventy-three, as amended by act number three hundred and fifty-two, session laws of eighteen hundred and seventy-five, entitled an act to incorporate the village of Alma, in the county of Gratiot, State of Michigan, is hereby repealed.

This act is ordered to take immediate effect.

Approved February 23, 1883.

[No. 212.]

AN ACT to amend an act entitled "An act to incorporate the village of Brighton," being act number two hundred and twenty-five of the session laws of eighteen hundred and seventy-one, approved March eighteenth, eighteen hundred and seventy-one, and to add two new sections.

SECTION 1. *The People of the State of Michigan enact,* That section [sections] three, nine, and eleven of act number two hundred and twenty-five, session laws of eighteen hundred and seventy-one, entitled "An act to incorporate the village of Brighton," approved March eighteenth, eighteen hundred and seventy-one, be amended so as to read as follows:

SEC. 3. The officers of said village shall consist of a president, ^{Officers} clerk, assessor, treasurer, and six trustees, to be elected by ballot by ^{Election of} a plurality of votes of the qualified electors under the constitution of this State, who have resided in said village ten days next preceding such election, and who shall hold their term of office as follows: The president, treasurer, and assessor, for one year; the clerk ^{Terms of} and six trustees shall hold their office for two years: *Provided,* That at each annual election there shall be elected three trustees ^{office of} *Provido.* for the term of two years: *And provided further, [And further pro-*

vided,] That all the foregoing officers shall hold their respective offices until their successors in office are elected and qualified; and the common council of said village is hereby authorized and ^{Common council may appoint officers.} empowered to appoint such other officers as may be necessary under the provisions of this act.

SEC. 9. The common council shall have power to appoint one or more fire wardens, pound masters, street commissioners, and one marshal and such other officers necessary under the provisions of this act for said village, whose election is [are] not provided for herein, and to require of them such bonds for the faithful performance of their duties as they may deem necessary, and to dismiss ^{Bonds of} them at pleasure. The officers so appointed shall, before entering ^{Dismissal of, Oath of office.} upon the duties of their offices, take and subscribe the oath of office herein provided for, before the clerk, who is hereby authorized to administer the same.

SEC. 11. It shall be the duty of the treasurer to act as collector ^{Treasurer, du-} of the village, and upon receiving the tax roll and warrant shall, ^{ties and pow-} for the purpose of collecting the taxes therein mentioned, be and remain at his office or place of business on every Friday of each and every week after receiving such list until and including thirty-one consecutive days, and upon all taxes paid or tendered to him ^{Fees.} on such days, or at any other time before the expiration of said thirty-one days, he may add one per cent for collection fees, and upon all taxes collected by him after the expiration of the said thirty-one days, he may add three per cent additional for collection fees: *Provided,* The fees so added and collected, together with a ^{Salary and compensation.} salary of twenty-five dollars per annum, shall be in full payment or compensation for his services as collector and treasurer. The treasurer shall keep all moneys coming into his hands belonging to

How money paid out by.

Turn over money, papers, etc., to successor.

Sections added.

Highway moneys to be paid into village treasury by township treasurer, etc.

Common council to have control of highway funds.

President pro tempore.

Duties and powers of

the corporation, and pay the same on the order of the clerk, countersigned by the president, and at the expiration of his term of office, hand over all moneys in his hands and all books and papers pertaining to his office to his successor.

SEC. 2. There shall be added to said act number two hundred and twenty-five two new sections to be numbered forty and forty-one, to read as follows:

SEC. 40. All highway moneys raised in each year, within the corporate limits of the village of Brighton upon the annual tax roll of the township of Brighton shall be paid into the treasury of said village of Brighton; and it shall be the duty of the treasurer of said township of Brighton on demand, to pay over to the treasurer of said village of Brighton, any and all highway moneys in his hands, collected or received upon the taxable property of said village; and it shall be the duty of the treasurer of said village to give the township treasurer a receipt for the amount so received; and the common council shall have the exclusive control of all highway moneys levied and collected in said village.

SEC. 41. At the first meeting of the common council, after the annual election in each year, they shall appoint one of their number president *pro tempore* of the common council, who, in the absence of the president, shall preside at the meetings thereof, and shall possess the same powers and perform and discharge the municipal duties of president during the absence or inability, death, resignation or removal of the president; and in the absence of the president and president *pro tempore*, the common council shall appoint one of their number to preside.

This act is ordered to take immediate effect.

Approved February 23, 1883.

[No. 213.]

AN ACT to extend the time for the collection of taxes in the township of Kalamazoo, in the county of Kalamazoo.

Time for collection of taxes for 1883 extended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes, in the township of Kalamazoo, county of Kalamazoo, for the year eighteen hundred and eighty-two, be and the same is hereby extended up to and including March twentieth, eighteen hundred and eighty-three.

Warrant renewed and treasurer authorized to collect.

SEC. 2. The treasurer of such township is hereby authorized and empowered to proceed and collect said taxes, as fully as he could in the lifetime of his warrant, and to make return at any time before the twenty-first day of March next, and said warrant is hereby revived and continued in full force and virtue for the purpose aforesaid, until the twenty-first day of March next.

Treasurer to pay over amount on hand and renew bond.

SEC. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as is now pro-

vided by law, and renew his official bond to the satisfaction of the treasurer of said county.

SEC. 4. A transcript of all unpaid taxes, returnable to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time as other taxes for the year eighteen hundred and eighty-two, duly returned to the auditor general for non-payment. Delinquent returns to be made.

This act is ordered to take immediate effect.

Approved February 23, 1883.

[No. 214.]

AN ACT to incorporate the village of Springport.

SECTION 1. *The People of the State of Michigan enact,* That the following described territory to-wit: Commencing one-half ($\frac{1}{2}$) mile west of the southwest corner of section seventeen (17), in town one (1) south, of range three (3) west, thence running south one-half ($\frac{1}{2}$) mile, thence east one and one-fourth ($1\frac{1}{4}$) miles, thence north (1) one mile, thence west one and one-fourth ($1\frac{1}{4}$) miles, thence south one-half ($\frac{1}{2}$) mile to place of beginning, in the township of Springport, county of Jackson, and State of Michigan, be and the same is hereby constituted a village corporate, to be known as the village of Springport.

SEC. 2. The first election of officers of said village shall be held at Oyer's hall, in said village of Springport, on the fourth Monday of March, in the year of our Lord one thousand eight hundred and eighty-three, due notice of which election shall be given by the board of registration hereinafter appointed, by posting notices in three public places in said village, ten days before said election, and by causing a copy of said notice to be published in the Springport Signal, a newspaper printed and published in said village, at least two weeks before said election. First election of officers.

SEC. 3. Eben C. Comstock, Dallas Caster, and A. W. Soule are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration shall meet on the Saturday next preceding said day of election, at said Oyer's hall, and remain in session the same hours required by the board of registration of general elections, and register the names of all persons residing in said village, and having the qualification of voters at annual township meetings, due notices of which registration shall be made by said board by posting notices thereof in three public places in said village ten days previous to said meeting for registration, and by causing a copy of said notice to be published in the Springport Signal, a newspaper printed and published in said village, two weeks before said meeting of said board of registration. Board of registration for first election. Meeting of. Notice of meeting.

SEC. 4. The said village of Springport shall in all things not

General act governing.

herein otherwise provided, be governed, and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto.

Further provision for first election of officers.

SEC. 5. In case said officers are not elected at the time designated in section two of this act, an election for officers may be held at any time within one year from the time designated in said section two, on notice being given as required herein.

Ordered to take immediate effect.

Approved March 8, 1883.

[No. 215.]

AN ACT to repeal act number two hundred and sixty-five of laws of eighteen hundred and eighty-one, approved June ninth, eighteen hundred and eighty-one, entitled "An act to provide for the compensation, and to prescribe the duties of register of deeds of the county of Shiawassee."

Act repealed.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act to provide for the compensation, and to prescribe the duties of register of deeds of the county of Shiawassee," approved June ninth, one thousand eight hundred and eighty-one, being act number two hundred and sixty-five of laws of eighteen hundred and eighty-one, be and the same is hereby repealed.

Ordered to take immediate effect.

Approved March 8, 1883.

[No. 216.]

AN ACT to amend sections three and twenty-five of an act to amend sections one, two, three, five, twelve, thirteen, twenty-one, and twenty-five of act number ninety-three of the session laws of eighteen hundred and fifty-five, entitled "An act to incorporate the village of Dexter," being act number two hundred and seventy-five of the local acts of eighteen hundred and sixty-seven, approved February twenty-seventh, eighteen hundred and sixty-seven.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections three and twenty-five of act number two hundred and seventy-five, of the session laws of eighteen hundred and sixty-seven, be and the same are hereby amended so as to read as follows:

First election.

SEC. 3. At the first election to be holden under this act, which shall be held on the first Monday of March next, the president, recorder, and one or more of the present trustees of the village of Dexter, shall be judges of the election, and shall canvass the votes and certify the result of the election to the present common council of the village of Dexter, who shall canvass the said certificates on the

Judges of Canvass.

next day after said election and declare the result of said election in the same manner that the common council are required to do by this act. And subsequent elections shall be held in said village, and superintended by the president, recorder, and one or more of the trustees; and further, that at all elections under this act, the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and continue open until four o'clock in the afternoon of the same day, and no longer; and that the name of each elector so voting at such election shall be written in a poll list to be kept at such election by the officers holding the same, and the said officers shall proceed without delay, after the closing of the polls, publicly to count the ballots unopened, and if the number of ballots found in the box shall exceed the number of electors contained in the poll list, the officers holding such election shall draw out and destroy unopened so many of the ballots as shall amount to the excess; and if two or more ballots are found rolled or folded together, they shall be destroyed without counting; and thereupon the officers holding such election shall immediately proceed, openly and publicly to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall declare the result of said election, and also file such certificate in the office of the recorder of said village. And in case it shall at any time happen that two or more persons shall have an equal number of votes for the same office, the common council shall make as many slips of paper of equal size as there are persons having an equal number of such votes, and write a ballot for each of such persons, one on each of said slips [strips] of paper, and shall then put said ballots together in a hat, and one of the members of said common council shall then draw from said hat one of said ballots, and the person whose name shall be upon the ballot so drawn, shall be declared elected.

SEC. 25. The common council shall have power to appoint one or more street commissioners, or other officers, to superintend and direct the making, paving, repairing, and opening all streets, lanes, alleys, sidewalks, highways, or bridges within the limits of said corporation, in such manner as they may, from time to time, be directed by the common council; also for establishing the line upon which buildings may be erected, and beyond which such buildings [building] shall not extend; to regulate the setting of awning and other posts [post], and shade trees in the streets, and other public places in said village; to cause the streets to be graded and paved, and also to cause the sidewalks to be graded or paved, planked, constructed, and repaired, when and where they shall deem necessary and proper, and also to direct and determine the width of the same, and also to cause the expenses of such grading, paving, planking, and constructing to be assessed on the lots or premises adjoining such sidewalks, and may pass all by-laws and ordinances necessary in relation to the assessment and collection of the cost and expenses thereof: *Provided*, That after the owner or occupant

Proviso.

Common council
to appoint street
commissioner.
Streets, lanes,
alleys, etc.
Sidewalks, shade
trees, awn-
ing, etc.
Width of streets.
Assessment and
collection of
taxes for paving,
sidewalks, etc.

Further proviso.

of any premises shall have heretofore constructed, or shall hereafter construct, at his or her own expense, one sidewalk in front of such premises, as directed by the common council, street commissioner, or street committee, then all future repairs or rebuilding of sidewalks in front of the same premises, shall be done at the public expense of the village: *Provided, further,* That when new sidewalks are first ordered built, or constructed, the common council shall cause notices to be posted in three of the most public places in said village, at least ninety days, requiring the owners of such lots or premises to grade, pave, plank, or construct such sidewalks, with such material and in such manner as shall be directed by the common council.

This act is ordered to take immediate effect.

Approved March 8, 1883.

[217.]

AN ACT to incorporate the village of Bancroft, Shiawassee county.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact,* That the following described lands and territory, the same lying and being within the present limits of the township of Shiawassee, county of Shiawassee, and State of Michigan, to wit: The northeast quarter, and the north half of the southeast quarter of section thirty-five, and the north half of southwest quarter, and west half of northwest quarter, and southeast quarter of northwest quarter of section thirty-six, and southwest quarter of southwest quarter of section twenty-five, and south half of southeast quarter of section twenty-six, in town six north, of range three east, be and the same is hereby made and constituted a town corporate, by the name, style, and title of the village of Bancroft.

Board of registration for first election.

SEC. 2. W. E. Watson and F. M. Douglass are hereby appointed and constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and the said board of registration are hereby required to meet at the office of the township clerk in said village of Bancroft, on the Saturday preceding the third Monday of March, in the year of our Lord one thousand eight hundred and eighty-three, and register the names of all persons residents of said village, presenting themselves for registration, and having the qualifications of voters of annual township meetings, due notice of which shall be given by said board in the same manner and time as provided in section three of this act.

First election of officers.

SEC. 3. The first election of officers of said village shall be held on the third Monday in March, in the year of our Lord one thousand eight hundred and eighty-three, at Fox's hall in said village, notice of which shall be posted in three of the most public places in said village by the board of registration hereinbefore appointed, at least ten days previous thereto.

Notice of.

SEC. 4. In case the said officers are not elected at the time desig-

Notice to be given.

nated in section three of this act, an election for officers may be had at any time within one year from the time so designated in section three of this act, on notice being given as provided in said section.

SEC. 5. The officers of said village shall consist of a president, recorder, assessor, and six trustees, to be elected by ballot, by a plurality of votes of the qualified electors under the constitution of this State, who have resided in said village ten days next preceding such election, and who shall hold their terms of office as herein-after mentioned in this act. And the common council of said village are hereby authorized and empowered to appoint all such other officers as may be necessary under the provisions of this act. The election of officers herein provided for shall be held on the second Monday in March in each year, at such place in said village as the common council thereof may appoint for that purpose, and at the time of the first election, held subsequent to the passage of this act, the aforesaid six trustees shall be elected as follows, to wit: Three for the term of one year, and three for the term of two years from the second Monday of March in the year when elected, and annually thereafter three trustees shall be elected for the term of two years, following the day of such election, and until their successors are elected and qualified. The term of all officers shall commence immediately after their election, or appointment and qualification, and shall continue until the election or appointment and qualification of their successors: *Provided*, No person shall be elected or appointed to, or shall hold any office under this act, who shall not be at the time of his election or appointment, and so long as he shall hold such office, a resident and qualified elector of said village; and no person shall be elected or appointed a trustee of said village, who, at the time of his election or appointment, and so long as he shall hold such office, shall not be a resident and qualified elector of said village.

SEC. 6. At the first election to be held in said village, under this act, there shall be chosen by the qualified electors there present, from among their number, two judges and one clerk of said election, who, together, shall constitute the board of inspectors thereof, each of whom shall, before entering upon his office, take an oath before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof. The said board shall conduct the said election, and certify the result thereof; and at each and every election thereafter, to be held in said village, under the provisions of this act, the common council of said village shall be the board of inspectors thereof, and the recorder of said village shall be the clerk of such board.

SEC. 7. The polls of all elections in said village, under this act, shall be open at nine o'clock in the forenoon, and shall be continued open until twelve o'clock noon, and from one o'clock in the afternoon until four o'clock in the afternoon of said day, and no longer. The name of each elector voting at such election shall be written in a poll list to be kept at such election by the clerk of the board of inspectors thereof. After the close of the polls of such election

Counting of ballots.	the board of inspectors thereof shall proceed, without delay, publicly to count the ballots unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the president, if present, and if not then some other member of the board of inspectors of such election, shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots shall be found rolled or folded together they shall not be counted; and thereupon the board of inspectors present at such election shall proceed immediately and publicly to canvass and estimate the votes given at such election, and shall complete said estimate on the same or next succeeding day, and shall certify and declare the number of votes given for each officer, the names of the persons for which such votes for such office were given, and the number of votes so given for each person, and shall make and file a certificate thereof in the office of the recorder of said village, within twenty-four hours after the close of said canvass, and the person having the greatest number of votes for any office shall be declared duly elected to such office; and if two or more persons shall have an equal number of votes for the same office, the board of inspectors of such election shall prepare as many slips of paper of equal size as there are of persons having an equal number of votes, and shall note the name of one of said persons on each of said slips and put the same together in a box, and one of the said board shall be blindfolded and proceed to draw from said box the said slips, and the person whose name shall be first drawn therefrom shall be declared duly elected.
Excess of ballots.	
Canvass.	
Certificate of result to be filed with recorder.	
In case of tie votes.	
Notice of elections.	SEC. 8. It shall be the duty of the recorder of said village to give ten days' public notice, in writing, in three public places in said village, of the time and place of holding all elections, both annual and special, in said village; and no person shall be permitted to vote at any such election unless he is possessed of all the qualifications of an elector under the constitution of this State, and shall have been a resident of said village for ten days next immediately preceding the day of such election. The recorder of said village shall, within five days after the closing of the polls of any election, notify the officers elected thereat, respectively, of their election; and each of the officers so elected and notified shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States and the constitution of this State, and that he will faithfully discharge the duties of his office, and shall cause a certificate of such oath to be filed with the recorder of said village within ten days after he shall have been notified of his election. If the qualification of any person offering to vote at such election shall be questioned, the same shall be determined by the board of inspectors thereof, upon an examination of such person thereto, on his oath, which may be administered by any member of said board; and any person who shall knowingly swear falsely upon any such examination shall be deemed guilty of perjury, and on conviction thereof shall be liable to the punishment provided for that crime by the laws of this State.
Who shall not vote.	
Notice to persons elected.	
Oath to be taken.	
Oath filed with recorder.	
Qualification of voters when questioned, how determined.	

SEC. 9. The president, recorder, and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the common council of the village of Bancroft, and by that name they and their successors in office shall be known in law, and by such name shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of this State, and any other place whatsoever, and may have a common seal, and may alter and change the same at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, leasing, conveying, and disposing of any real or personal estate for the use and benefit of said corporation.

President, recorder and trustees to be body corporate, etc.

How may sue and be sued.

Seal of.

May purchase and hold property, etc.

SEC. 10. The common council shall have the power to appoint a street commissioner, a treasurer, who shall also be marshal of said village by virtue of his appointment as such treasurer, and all such other officers as may be necessary, under the provisions of this act, for said village, whose elections are not herein provided for; to require of them such bonds, for the faithful performance of their duties, as they may deem necessary, and to dismiss them at pleasure. The officers so appointed shall, before entering upon the duties of their office, take and subscribe the oath of office, herein before provided for, before the recorder, who is hereby authorized to administer the same.

Street commissioner, treasurer, and marshal, etc.

Bonds of.

Oath of.

SEC. 11. The president shall be the chief executive officer of the village. He shall preside at the meetings of the council, and shall from time to time give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the affairs of the village, and over the public property belonging thereto; see that the laws relating to the village, and the ordinances, by-laws, and regulations of the council are enforced. He shall be a conservator of the peace, and may exercise within the village the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances and by-laws of the council, and to suppress riot and disorderly conduct. He shall have authority at all times to examine and inspect the books, records, and papers of any agent, employé, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances and by-laws of the village. On the fourth Monday in March in each year, or as soon thereafter as may be, the common council shall appoint one of their number president *pro tempore* of the common council, who in the absence of the president shall preside at the meetings thereof, and shall possess the same powers, and perform and discharge the municipal duties of president during the absence, or inability, death, resignation, or removal of the president; and in the absence of the president and president *pro tempore*, the common council shall appoint one of their number to preside. It shall be the duty of the recorder to attend all meetings of the common council, keep a fair and accurate

President, duties and powers of.

Conservator of the peace.

Shall have power to inspect and examine books, etc.

President pro tempore.

Recorder, duties of.

- Compensation of.** record of their proceedings, and perform such other duties as the by-laws and ordinances, and the provisions of this act require; and his compensation for such service shall be a salary not exceeding twenty-five dollars per annum. The recorder shall not be entitled to vote in the common council, and in the absence of the recorder the council may appoint one of their own number recorder *pro tempore*.
- Treasurer, duties of.** SEC. 12. It shall be the duty of the treasurer to act as collector of the village, and upon receiving the tax roll and warrant shall, for the purpose of collecting the taxes therein mentioned, be and remain at his office or place of business on every Friday of each and every week after receiving such list until and including the last Friday in the month of June; and upon all taxes paid or tendered to him on such days, or at any other time before the first day of July next thereafter, he may add one per cent (1%) for collection fees, and upon all taxes collected by him after the first day of July, he may add three per cent (3%) for collection fees: *Provided*, That the fees so added and collected shall be in full payment or compensation for his services as collector and treasurer, and the annual tax roll shall be returnable by said village treasurer by the first day of September in each year, and settlement made with the common council. The treasurer shall safely keep all moneys coming into his hands belonging to the corporation, and pay the same on the order of the recorder, countersigned by the president, and at the expiration of his office to hand over all moneys in his hands and all books and papers pertaining to his office to his successor.
- To collect taxes.** SEC. 13. The marshal shall be a police constable, and shall serve any and all papers that may be issued by the recorder, or any other officer by virtue of this act of incorporation, and shall be entitled to demand and receive the same fees as are allowed and paid to constables for similar services, and shall be entitled to the same privileges and subject to the same liabilities as are provided for constables in the discharge of their duties by the laws of this State, and the village corporation shall not be liable to him for any other compensation for services.
- Fees for collection.** SEC. 14. The treasurer and marshal shall, respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts reposed in them as the common council shall direct and require.
- Proviso.** SEC. 15. The president, recorder, and trustees, when qualified and assembled together, shall constitute the common council of the village of Bancroft, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time, and the said common council shall hold their meetings at such time and place as they may from time to time appoint, and they shall have power to impose, levy, and collect such fines as they may deem proper for non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of officers by them appointed, and to impose and collect fines for non-attendance:
- How money paid out of treasury.**
- To turn over money, books, etc., to successor.**
- Marshal, powers, duties, and compensation.**
- Treasurer and marshal to give security, etc.**
- Who constitute common council.**
- Quorum.**
- Fines for non-attendance.**

Provided, That no such fine shall exceed five dollars for any one *Proviso*.
offense.

Sec. 16. In case of the death, resignation, or removal of the president, recorder, or any of the trustees, or other officers elected by the electors of said village, such death, resignation, or removal shall be announced by the president or recorder to the members of the common council who shall convene as soon as may be, and order, by a public notice to be posted up in three public places in said village, that an election will be held by the electors of said village to elect a suitable person or persons to fill such vacancy or vacancies, which shall be conducted and certified in the manner as hereinbefore provided for the election of village officers, which election shall be ordered to be held at any time, and not less than five days nor more than sixty days after such vacancy shall have occurred: *Provided*, That if at any time there is a single vacancy, *Proviso*. the common council may fill the same by appointment at any regular meeting.

Sec. 17. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to laying out, altering, vacating, and constructing streets, highways, and bridges, and the labor so performed thereon, within the limits thereof. The president, recorder, and trustees of said village shall be the commissioners of streets and highways, and within the limits of the village, shall have the same power and perform the same duties as now by law belong to the commissioners of highways in the several townships of this State; and the said common council are hereby vested with full power and authority to assess and levy such an amount of labor upon the real and personal property in said village as they may deem necessary to be performed upon the streets, highways, and bridges in said village, and for that purpose they are hereby vested with the same power given by law to the commissioners of highways, and may levy a poll tax, poll tax not exceeding one dollar, upon each person liable therefor by the laws of this State, and may provide for commutation therefor at any sum not exceeding one dollar for each day's labor assessed, and may make ordinances providing for the return of such taxes assessed or unpaid, on real estate not occupied by the owners thereof, and that such tax shall be a lien on such real estate, and cause the same to be sold in the same manner provided by section twenty-nine of this act; and the common council shall, on or before the first day of May in each year, determine the amount necessary to be raised for such year, for highway purposes, not exceeding one quarter of a day for every two hundred dollars valuation, exclusive of poll tax. All highway moneys raised in each year, within the corporate limits of the village of Bancroft, upon the annual tax-roll of the township of Shiawassee, shall be paid into the treasury of said village of Bancroft, and it shall be the duty of the treasurer of said township of Shiawassee, on demand, to pay over to the treasurer of said village of Bancroft, any and all highway moneys in his hands, collected or received upon the taxable property of said village, and it shall be the duty of the said

Common council
to determine
amount to be
raised for high-
way pur-
poses, etc.

Highway moneys
to be paid into
the village
treasury.

Treasurer of
Shiawassee,
to pay over, etc.

Assessment
for highway
purposes, etc.

Commissioners
of streets and
highways.

Laws relating to
townships to
control, etc.
Exception.

Receipt.	treasurer of said village, to give the treasurer of said township a receipt for the amount so received; and the common council shall have the exclusive control of all the highway money levied and collected in said village.
Powers of common council in reference to officers.	SEC. 18. The common council shall have full power and authority to make by-laws and ordinances relative to the duties, powers, and fees of the marshal, treasurer, assessor, and other officers; relative to the time and manner of working upon the streets, lanes, and alleys of said village; relative to the manner of assessing, levying, and collecting all highway and other taxes in said village; and the common council shall have full power and authority to make by-laws and ordinances relative to nuisances within the limits of said village, and for the abatement of the same, and for the punishment by fine of all persons occasioning the same; to construct sewers and provide reservoirs for water, and to construct or provide pipes, pumps, and all necessary apparatus for raising the water into such reservoirs, and for conducting the same into such streets and places in said village as the common council shall deem necessary; to regulate the construction of private drains; to license all showmen, theatres, traveling concerts, or other public exhibitions wherein a fee for admittance is charged; to compel all auctioneers selling goods at auction, within the limits of said village, to pay a license, to be fixed by the common council; to prohibit the erection of all wooden buildings in said village, within certain boundaries, to be fixed and determined by the said common council; to punish by fine and imprisonment all persons found drunk or disturbing the peace in any street, lane, alley, or other public place in said village; to suppress all games of chance and hazard; to compel the owners of buildings to procure and keep in readiness such number of fire buckets and ladders as shall be ordered by the common council; to regulate bridges within the limits of said village; to pass all necessary by-laws and ordinances to protect the said village from fires; relative to calling meetings of the electors of said village; relative to keeping and sale of gunpowder, nitro-glycerine, and other dangerous and explosive articles, or burning fluids; relative to the restraining of swine, horses, and other animals from running at large in the streets, alleys, and other public places in said village; to regulate and establish one or more pounds in said village; to make all necessary rules and regulations relative to the grading of streets, alleys, lanes, and sidewalks within the limits of said village, and to prescribe the grade on which the same shall be built, and the width and manner of building the same; to cause streets and sidewalks within the limits of said village to be graded and properly improved, and to impose all necessary taxes and assessments for that purpose, within the limits of said village, in the manner provided in this act; and to suppress or regulate all billiard tables, and all other gaming tables kept for hire, gain, or reward in said village; to suppress all disorderly or bad houses in such manner as shall by them be deemed expedient or necessary: <i>Provided always,</i> That such by-laws and ordinances shall not be repugnant to the constitution of the United States,
Highways, etc.	
Taxes.	
Nuisances.	
Sewers, reservoirs, etc.	
Drains.	
Shows, etc.	
Auctions.	
To prohibit erection of wooden buildings.	
Drunkenness.	
Gaming.	
Fire buckets, etc.	
Fires.	
Public meetings.	
Gunpowder, etc.	
Running at large of animals, etc.	
Pounds.	
Grading.	
Sidewalks.	
Billiard tables, etc.	
Disorderly houses.	
Proviso.	

or of this State: *And provided also,* That no by-laws or ordinances further proviso. of said common council shall have any affect until the same have been published one week in a newspaper printed in the county of Shiawassee.

SEC. 19. The common council shall have full power to purchase and hold, for the use of the inhabitants of said village, suitable grounds for cemeteries and burial places for the dead thereof; to cause the same to be properly prepared, enclosed, or ornamented; to make all needful rules and regulations respecting the same, and the management thereof, and to levy and collect taxes upon the taxable property of said village; to pay all necessary expenses incurred in so doing; and also to make rules and regulations concerning shade and ornamental trees along the line of the streets and sidewalks of said village.

SEC. 20. The common council shall have power to make all such by-laws and ordinances as they shall deem necessary to secure said village and the inhabitants thereof, against injuries by fire, and persons violating the public peace; for the suppression of riots and gambling, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards, and idle persons; and they shall have power and authority to make all such by-laws and ordinances as to them shall seem necessary for the safety and good government of said village, and the inhabitants thereof, and to impose all fines, penalties or forfeitures on all persons offending against the by-laws and ordinances made as aforesaid.

SEC. 21. The common council shall have full power to prevent the vending of liquors in any place within said village, not duly licensed; to regulate the measuring of fire wood, and weighing of hay; and to prescribe and designate the stand for carts, wagons, and drays, and for wood, hay, and produce exposed for sale in said village; to appoint a sealer of weights and measures; to prevent and punish immoderate driving, in any of the streets of said village; to prohibit bathing in any of the public waters of said village; to prevent the incumbering of the streets, sidewalks, alleys, public grounds, or squares; to provide for ornamenting the public grounds of said village, and to regulate all graveyards and places of burial for said village.

SEC. 22. The common council shall have authority to lay out and establish, vacate, open, make, and alter such streets, lanes, alleys, sidewalks, highways, water-courses, and bridges within the limits of said village, as they deem necessary for the public convenience, and if in the exercise of this power, they shall require for any of such purposes, the grounds of any person, they shall give notice thereof to the owner or parties interested, or his, her, or their agent, or representative, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said common council for any of the purposes aforesaid, and the common council are hereby authorized to treat with such person or persons for such grounds or premises, and if such person or persons shall refuse or neglect to treat for the same, or if the parties cannot agree therefor,

When cannot agree jury may be summoned.

Jury to be sworn by justice.

Return of, to justice.

Justice to enter Judgment of confirmation. Payment or tender to claimant.

Grounds may be occupied.

Proviso.

Appeal.

Notice of.

Time within which taken.

Proviso.

Village prison.

Keeper.

Village to have use of county jail.

it shall and may be lawful for said common council to direct the recorder of said village to issue a *venire facias* to command the marshal of said village, or any constable of said county to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before any justice of the peace of said village, at any time therein to be stated, to inquire into the necessity of using such ground or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in such grounds and premises, which jury, being first duly sworn by said justice, faithfully and impartially to inquire into the necessity of using such ground, or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in such grounds or premises, for their respective losses according to the several interests or estates therein; and the said justice shall, upon the return of such assessment, or verdict, enter judgment therefor, confirming the same, and such sum, or sums so assessed, together with all costs, shall be paid, or legally tendered, before such street, lane, or alley, sidewalk, highway, or bridge, shall be made, opened, or established, or altered, to the claimant, or claimants thereof. It shall thereupon be lawful for the common council to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That the common council, or any party claiming damages as aforesaid, may have the right to remove such proceedings, by appeal, to the circuit court, or any other court of competent jurisdiction, upon giving notice of his, her, or their intention so to do to said justice, in writing, within ten days, or in case of the absence of said party from said village at the time of the rendition of the judgment, then within thirty days after the verdict of such jury, and the judgment of said justice as aforesaid, upon the filing of a transcript of the proceedings aforesaid, duly certified by the said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record, having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages shall not exceed the damages assessed before the justice, at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

SEC. 23. The common council shall have the power to erect and maintain in said village a village prison, and any person convicted of a violation of this act, or of any by-law or ordinance made by the common council of said village, or of any law of the State, may be imprisoned in said village prison during the time that shall elapse between the time of arrest and time of trial or examination; and the common council shall have power to make all necessary rules and regulations for the government of said prison, and to appoint a keeper thereof. Said village shall also have the use of the common jail of the county of Shiawassee, for the imprisonment of all persons liable to imprisonment under the by-laws and

ordinances of the common council; and all persons committed to jail by the recorder or any justice of the peace, for violation of any by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged as in other cases. Whenever a conviction is had or a judgment rendered for any fine, penalty, or forfeiture, for a violation of any by-law or ordinance of said village, it shall be with costs of suit, and execution shall issue therefor, and all such fines, penalties, forfeitures, and costs, when collected, shall be paid into the village treasury by the officer receiving the same immediately after the receipt thereof; any person who shall neglect or refuse to pay the same as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than three months nor more than one year, or by both such fine and imprisonment in the discretion of the court. All fines recovered for any violation of any law of the State, and for all violations of by-laws [by-law] or ordinance of said village, which the law requires to be paid to the county treasurer, shall be paid to the treasurer of the county of Shiawassee; and all expenses and costs of apprehending, examining, trying, and committing offenders against any of the laws of the State or against any such by-law or ordinance of said village where the fines, when recovered, are by law required to be paid to the county treasurer, shall be audited, allowed, and paid by the board of supervisors of said county of Shiawassee, the same as if such expense and costs had been incurred in any township of said county.

SEC. 24. Any justice of the peace of the township of Shiawassee is hereby authorized and empowered to inquire of, hear, try, and determine in a summary manner, all the offenses which shall be committed within the limits of said village against any of the by-laws, ordinances, and regulations that shall be made, ordained, or established by the said common council, in pursuance of the powers granted to them by this act, and to punish the offender or offenders as by the said by-laws, ordinances, or regulations shall be prescribed or directed: *Provided always,* That any person, on charge of violating any of the by-laws, ordinances, or regulations aforesaid, may demand and have a trial by jury, and either party may appeal to the circuit court of Shiawassee county.

SEC. 25. The recorder, treasurer, and marshal shall receive such compensation for their services as herein before specified, and other officers appointed such amount respectively as the by-laws and ordinances shall direct; but the residue of the common council shall not receive any pecuniary compensation for their services.

SEC. 26. The common council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received or expended by them in their corporate capacity during the year next preceding such publication. Also, the disposition thereof previous to which they shall settle and audit the accounts of the treasurer and all other officers and persons having claims

Fines, etc., to be paid into village treasury.

Penalty for refusal to pay over fines, etc.

To be paid to county treasurer.

Expenses and costs of trials, etc., shall be audited and allowed by supervisors, etc.

Jurisdiction of justice for violations of ordinances, etc.

Trial by jury.

Compensation of members of common council.

Annual financial statement to be published.

Auditing of accounts.

Statement of appropriations, etc.	against said village or accounts with it, and shall make out in detail a statement of all receipts and expenditures, which statement shall fully specify all appropriations made by the common council and the objects and purposes for which the same were made, and the moneys expended under each appropriation; the amount of taxes raised; the amount of contingent expenses; the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of said village.
Taxes.	SEC. 27. In all processes, prosecutions, and other proceedings, wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness on account of the interest of such citizen in the event of such process or proceeding [proceedings]: <i>Provided</i> , That such interest be only that which is in common with the citizens of said village.
Competency of witnesses and jurors, etc.	SEC. 28. Whenever any action or suit shall be commenced against the corporation, process against said corporation shall be served by leaving a copy of such process, attested by a proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: <i>Provided</i> , That the first process shall be by summons and a copy thereof left with the recorder at least ten days before the return day thereof.
Proviso.	SEC. 29. The common council shall have full power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on all real or personal property, not exempt from taxation, within the limits of said village, necessary to defray the expenses thereof: <i>Provided</i> , The said taxes so assessed and collected shall not exceed, in any one year, one-half of one per centum upon the valuation of said real and personal property, and exclusive of the sidewalk, highway, and capitation or poll tax, and every assessment of taxes, lawfully laid and imposed by the said common council on any lands, tenements, hereditaments, or premises whatsoever, in said village, shall be and remain a lien on such lands, tenements, and hereditaments, from the time of making such assessments or imposing such tax until paid, and the owner, or occupants, or parties in interest respectively, in said real estate, shall be liable upon demand to pay every such assessment or tax to be made as aforesaid, and in default of any such payment or any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for the want thereof, to sell real estate, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom the tax is levied: <i>Provided</i> , That whenever any real estate shall be sold by said marshal notice thereof shall be published in a newspaper printed in said county for at least four weeks, once in each week, previous to such sale, and the said marshal shall give the said purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said lands described in the certificate of sale, shall not, within one year from
Service of process to be upon recorder.	
Notice to be given by recorder.	
Proviso.	
Poll tax.	
Other taxes.	
Limitation of amount of.	
Taxes to be a lien.	
Sale of property for payment of.	
Proviso.	
Notice.	
Certificate of purchase.	
When purchaser entitled to deed.	

the date thereof, pay to the said treasurer of said village, for the use of the purchaser, his heirs, or assigns, the sum mentioned in such certificate, together with the interest thereon at the rate of ten per cent per annum, from date of such certificate, the said marshal or his successor in office, shall, at the expiration of said year, execute to the purchaser or purchasers, his or their heirs and assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, subject to all the claims the State shall have therein ; and the said conveyance shall be *prima facie* evidence that the sale and all the proceedings therein, prior to such sale, were regular, according to the provisions of this act and the ordinances of such village ; and every such conveyance executed by said marshal under his hand and seal, in the presence of two or more subscribing witnesses, and duly acknowledged and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner and duly recorded ; and when such deed shall have been on record for two years in the office of register of deeds of said Shiawassee county, it shall be conclusive evidence of title in the person to whom such real estate was sold, his heirs or assigns, unless it shall be made to appear that the tax for which the land was sold had been duly paid, or that said land was not liable to taxation at the time such tax was assessed. All personal property sold for taxes in said village, shall be sold in such manner as the by-laws and ordinances of the village shall prescribe.

SEC. 30. The assessor of said village shall, once in each year, and on or before the second Monday in April, make an assessment roll containing a description of all the real estate and personal property liable to taxation in said village, and the name of the owner, or occupant, or agent thereof, if known, and the names of all persons liable to pay a poll tax in said village, as provided for in this act, and shall set down in such roll the valuation of such property at its fair cash value, placing the value of real estate and personal property in separate columns, and deliver the same to the president of said village.

SEC. 31. It shall be the duty of the common council, once in each and every year, and within ten days after the assessor has assessed the real and personal estate lying and being in said village, and delivered the assessment roll to the president of said village, and before any tax shall be levied thereon, to give ten days' notice by publishing thereof in a newspaper printed in said county of Shiawassee, by at least two insertions, the time and place of reviewing said assessment roll, under the supervision of the president, assessor, and one trustee, to be chosen by the council for such purpose, that any person or persons deeming themselves aggrieved may be heard ; and if it shall appear, upon sufficient cause, to be shown upon oath, that any person has been wrongly assessed, the roll may then and there be altered ; after the expiration of the said ten days, and of the day or days for the reviewing of the said assessment roll, the common council shall immediately proceed to

Conveyance prima facie evidence of regularity, etc.

Effect of, when given in evidence.

When deed conclusive.

Personal property how sold.

Assessment roll when and by whom made, what to contain.

To be delivered to president.

Review of assessment roll.

Notice of to be given.

Proceedings upon review.

Spreading of taxes.

- Warrant.** make, or cause to be made out, a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, which duplicate shall contain a warrant signed by the president and recorder, or in case of their absence, or the absence of either of them, by the president *pro tempore* and any member of the common council, and deliver the same to the treasurer, whose duty it shall be to collect the same within such time and in such manner as the provisions of this act, and the by-laws and ordinances of said village shall direct: *Provided*, Such warrant may be renewed or extended by the common council from time to time, but not to exceed six months from the date of the original warrant.
- Collection of taxes.** SEC. 32. All moneys to be raised by tax in said village shall be collected and paid over by the treasurer thereof, in accordance with the provisions of the ordinances of said village: *Provided, however,* That the highway rolls may be collected by the street commissioner, who, for that purpose is hereby vested with all the powers of overseers of highways under the laws of this State, and such other powers as may be conferred upon him by the ordinances of the village.
- Renewal of warrant.** SEC. 33. The common council shall have power to appoint one street commissioner, to superintend and direct the making, paving, repairing, and opening of all streets, lanes, and alleys, sidewalks, highways, or bridges, within the limits of said corporation, in such manner as the common council shall from time to time direct; also for establishing the line upon which buildings may be erected, and beyond which such buildings shall not extend, and the common council shall cause the expense of grading and making such sidewalks to be assessed on lots or premises adjoining such improvements.
- Highway taxes may be collected by street commissioner.** SEC. 34. The common council shall have authority to establish and organize all such fire companies, and hose, and hook and ladder companies, and provide them with engines, and other instruments, as shall be necessary to extinguish fires, and preserve the property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village, such number of men, willing to accept, as may be deemed proper and necessary, to be employed as firemen: *Provided*, Such number does not exceed thirty in the management of one engine, and such fire, hose, and hook and ladder company shall have power to appoint their officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and they may impose such fines for non-attendance or neglect of duty of any of its members as may be established by such by-laws and regulations of every such company, and every person belonging to such company shall obtain, from the recorder of said village, a certificate to that effect, which shall be evidence thereof; and it shall be the duty of every fire company to keep in good and perfect repair the fire engine, hose, hooks and ladders, and other instruments for such company; it shall be the duty of each fire company to assemble at least once in each month, or as often as may be
- Street commissioner, powers and duties of.**
- Lines for buildings; assessment for improvements.**
- Fire department.**
- Engines, etc.**
- Firemen.**
- Proviso.**
- Organization of. By-laws, etc.**
- Certificate of membership.**
- Duties of fire companies, etc.**

directed by said common council, for the purpose of working or examining said engine, and other instruments, with a view to their perfect order and repair; and the fire department shall, in all respects, be under the control and government of the common council, and shall obey all by-laws and ordinances of the village, under such penalty as shall be prescribed therein.

SEC. 35. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist as well in extinguishing said fire, as in preserving any goods from being stolen, and also removing and securing the same, and shall in all respects be obedient to the president, recorder, and trustees, or either of them, who may be present at the fire.

SEC. 36. The common council of the village of Bancroft shall have full power and authority to levy and assess a tax sufficient to construct reservoirs for water, and to construct and provide pipes, pumps, and all necessary apparatus for raising the water into such reservoirs, and for conducting the same into such streets and places in said village as the said common council deem necessary, and to purchase and provide all necessary hose, hooks and ladders, fire engines, and other articles and implements as shall be necessary to extinguish and prevent the spread of fires in said village; and shall have full power and authority to borrow any sum of money, not exceeding three thousand dollars, at a rate of interest not exceeding eight per cent per annum, for the purposes in this section mentioned, and issue all the necessary bonds and securities therefor, which bonds shall be signed by the president and recorder of said village, and to levy, assess, and collect all taxes necessary to pay the interest on said bonds or securities, and the principal thereof at maturity.

SEC. 37. The poor that are now, or may hereafter become a charge upon the township of Shiawassee within the limits of the territory described in section one of this act shall be maintained by the said township of Shiawassee or county of Shiawassee in the same manner as though the said village of Bancroft had not been incorporated.

SEC. 38. Whenever the common council shall deem it expedient to construct or renew any sidewalk, or to repair the same within the limits of said village, they may, by ordinance or resolution, require the owner of any lot or premises adjoining said street to construct such sidewalk or repair or renew the same in front of his or her lot or premises in accordance with the provisions of such ordinance or resolution. The common council may, by ordinance or resolution, under such penalty or penalties as they may prescribe, require the owners or occupants of lots or premises in said village or in any specified part thereof, to grade, construct, repair, and renew sidewalks adjoining their respective premises in such manner as the common council may direct. If the owner, agent, or occupant of any lot or premises after notice so to do shall have been posted on such lots or premises or otherwise given, served, or published as the common council may direct by ordinance or resolution, shall fail or neglect to construct, repair, or renew any side-

To be under
the control of
common council.

Duties of mar-
shal at fires.

Common council
may provide fire
protection, etc.

May borrow
money and issue
bonds therefor.

Assessment
to pay, etc.

Construction
and repair of
sidewalks.

Common council
may order grad-
ing, construc-
tion, etc., of.

Notice to
be given.

In case of
neglect, etc.

- Warrant.** make, or cause to be made out, a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, which duplicate shall contain a warrant signed by the president and recorder, or in case of their absence, or the absence of either of them, by the president *pro tempore* and any member of the common council, and deliver the same to the treasurer, whose duty it shall be to collect the same within such time and in such manner as the provisions of this act, and the by-laws and ordinances of said village shall direct: *Provided*, Such warrant may be renewed or extended by the common council from time to time, but not to exceed six months from the date of the original warrant.
- Collection of taxes.** SEC. 32. All moneys to be raised by tax in said village shall be collected and paid over by the treasurer thereof, in accordance with the provisions of the ordinances of said village: *Provided, however,* That the highway rolls may be collected by the street commissioner, who, for that purpose is hereby vested with all the powers of overseers of highways under the laws of this State, and such other powers as may be conferred upon him by the ordinances of the village.
- Renewal of warrant.** SEC. 33. The common council shall have power to appoint one street commissioner, to superintend and direct the making, paving, repairing, and opening of all streets, lanes, and alleys, sidewalks, highways, or bridges, within the limits of said corporation, in such manner as the common council shall from time to time direct; also for establishing the line upon which buildings may be erected, and beyond which such buildings shall not extend, and the common council shall cause the expense of grading and making such sidewalks to be assessed on lots or premises adjoining such improvements.
- Highway taxes may be collected by street commissioner.** SEC. 34. The common council shall have authority to establish and organize all such fire companies, and hose, and hook and ladder companies, and provide them with engines, and other instruments, as shall be necessary to extinguish fires, and preserve the property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village, such number of men, willing to accept, as may be deemed proper and necessary, to be employed as firemen: *Provided*, Such number does not exceed thirty in the management of one engine, and such fire, hose, and hook and ladder company shall have power to appoint their officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and they may impose such fines for non-attendance or neglect of duty of any of its members as may be established by such by-laws and regulations of every such company, and every person belonging to such company shall obtain, from the recorder of said village, a certificate to that effect, which shall be evidence thereof; and it shall be the duty of every fire company to keep in good and perfect repair the fire engine, hose, hooks and ladders, and other instruments for such company; it shall be the duty of each fire company to assemble at least once in each month, or as often as may be
- Street commissioner, powers and duties of.**
- Lines for buildings; assessment for improvements.**
- Fire department.**
- Engines, etc.**
- Firemen.**
- Proviso.**
- Organization of By-laws, etc.**
- Certificate of membership.**
- Duties of fire companies, etc.**

directed by said common council, for the purpose of working or examining said engine, and other instruments, with a view to their perfect order and repair; and the fire department shall, in all respects, be under the control and government of the common council, and shall obey all by-laws and ordinances of the village, under such penalty as shall be prescribed therein.

SEC. 35. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist as well in extinguishing said fire as in preserving any goods from being stolen, and also removing and securing the same, and shall in all respects be obedient to the president, recorder, and trustees, or either of them, who may be present at the fire.

SEC. 36. The common council of the village of Bancroft shall have full power and authority to levy and assess a tax sufficient to construct reservoirs for water, and to construct and provide pipes, pumps, and all necessary apparatus for raising the water into such reservoirs, and for conducting the same into such streets and places in said village as the said common council deem necessary, and to purchase and provide all necessary hose, hooks and ladders, fire engines, and other articles and implements as shall be necessary to extinguish and prevent the spread of fires in said village; and shall have full power and authority to borrow any sum of money, not exceeding three thousand dollars, at a rate of interest not exceeding eight per cent per annum, for the purposes in this section mentioned, and issue all the necessary bonds and securities therefor, which bonds shall be signed by the president and recorder of said village, and to levy, assess, and collect all taxes necessary to pay the interest on said bonds or securities, and the principal thereof at maturity.

SEC. 37. The poor that are now, or may hereafter become a charge upon the township of Shiawassee within the limits of the territory described in section one of this act shall be maintained by the said township of Shiawassee or county of Shiawassee in the same manner as though the said village of Bancroft had not been incorporated.

SEC. 38. Whenever the common council shall deem it expedient to construct or renew any sidewalk, or to repair the same within the limits of said village, they may, by ordinance or resolution, require the owner of any lot or premises adjoining said street to construct such sidewalk or repair or renew the same in front of his or her lot or premises in accordance with the provisions of such ordinance or resolution. The common council may, by ordinance or resolution, under such penalty or penalties as they may prescribe, require the owners or occupants of lots or premises in said village or in any specified part thereof, to grade, construct, repair, and renew sidewalks adjoining their respective premises in such manner as the common council may direct. If the owner, agent, or occupant of any lot or premises after notice so to do shall have been posted on such lots or premises or otherwise given, served, or published as the common council may direct by ordinance or resolution, shall fail or neglect to construct, repair, or renew any side-

To be under
the control of
common council.

Duties of mar-
shal at fires.

Common council
may provide fire
protection, etc.

May borrow
money and issue
bonds therefor.

Assessment
to pay, etc.

Construction
and repair of
sidewalks.

Common council
may order grad-
ing, construc-
tion, etc., of.

Notice to
be given.

In case of
neglect, etc.

May be done at the expense of village and assessed upon lot or premises.

To be a lien upon.

Compilation of by-laws, ordinances, etc.

Publication of.

Proviso.

When by-laws, ordinances, etc. may be read in evidence.

Prima facie evidence of what.

When accounts against village shall be itemized and verified by affidavit.

Board of registration.

walk, or to clear away any snow, ice, or other obstructions from any sidewalk within such time as the common council may prescribe or require by ordinance or resolution, the common council may cause the same to be done at the expense of the village, and such expense shall be deemed to be a special assessment upon such lot or premises, and the common council may add the same to the amount of the general village tax on such lot or premises in the tax roll made the same year the said expense for such improvement was incurred or next thereafter to be made, and the amount so added shall be a lien on the premises in the same manner as other village taxes to which it is added, and may be collected and enforced, and if not paid, the land sold therefor in the same manner as for other ordinary taxes.

SEC. 39. The common council are hereby empowered to compile the by-laws and ordinances of said village of Bancroft, and the said by-laws and ordinances, when so compiled, shall be published in pamphlet form, with index, to the number of not exceeding five hundred copies; and said copies of the said by-laws and ordinances, when so printed, shall be left with the recorder of said village for gratuitous distribution to any resident of said village; and the publication of said compiled by-laws and ordinances of said village shall be deemed a legal publication of the same, in lieu of the publication required by charter of said village: *Provided*, That all the by-laws and ordinances which shall be passed by said common council, after said by-laws and ordinances shall have been compiled and published in pamphlet form, shall be published as required by the charter of said village.

SEC. 40. When it shall be necessary to print any of the by-laws, regulations, or ordinances of said village, or any resolution adopted by the common council thereof, the same may be read in evidence in all courts of justice, and in all proceedings before any officer, body, or board in which it shall be necessary to refer to the same, either: *First*, From a record thereof kept by the recorder; or, *Second*, From a copy of the by-laws, ordinances, or resolutions, or of the record thereof, certified by the recorder; or, *Third*, From any volume of by-laws, ordinances, or resolutions purporting to have been written or printed by authority of the common council; and such record, certificate, copy, or printed volume shall be *prima facie* evidence of such by-laws, ordinances, resolutions, and proceedings, without other proof of the enactment thereof, publishing, or any other thing concerning the same.

SEC. 41. The accounts and demands of all persons against the said village shall, when required by any member of the common council, be verified by affidavit, and shall set forth the items thereof in detail, which affidavit may be taken and certified by any member of the common council, and no claim shall be so allowed unless reported upon by the finance committee.

SEC. 42. For the purpose of all village elections provided for in this act, the president, recorder, and two trustees, or any three members of the common council chosen for such purpose, shall comprise the board of registration of the qualified electors thereof,

and the powers and duties of said board shall be the same as are required to be performed by the town boards of the several towns of the State of Michigan, by the laws thereof.

SEC. 43. In case sufficient time shall not intervene after the passage of this act to give the required notice of election on the third Monday in March, in the year eighteen hundred and eighty-three, then the election in said village shall be held on the fourth Monday in March, in said year; in all succeeding years the election shall be held on the second Monday in March, as provided in this act.

This act is ordered to take immediate effect.

Approved March 9, 1883.

[No. 218.]

AN ACT to change the name of Nettie B. Fisher to Nettie B. Keefer.

SECTION 1. *The People of the State of Michigan enact*, That Name changed, the name of Nettie B. Fisher, of St. Joseph county, be and is hereby changed to Nettie B. Keefer.

Ordered to take immediate effect.

NOTE.—Became a law under section fourteen, article four, of the constitution without approval of governor.

[No. 219.]

AN ACT to amend an act entitled "An act to incorporate the city of Wyandotte," being act number two hundred and ninety-seven, of the session laws of eighteen hundred and sixty-seven, approved March five, eighteen hundred and sixty-seven, as amended by act number three hundred and thirty, of the session laws of eighteen hundred and sixty-nine, approved March twenty-two, eighteen hundred and sixty-nine, as amended by act number two hundred and forty-six, of the session laws of eighteen hundred and seventy-three, approved April four, eighteen hundred and seventy-three, as amended by act number three hundred and sixty-seven, of the session laws of eighteen hundred and seventy-five, approved April twenty-seven, eighteen hundred and seventy-five, as amended by act number three hundred and thirty-five, of the session laws of eighteen hundred and seventy-seven, approved May ten, eighteen hundred and seventy-seven.

SECTION 1. *The People of the State of Michigan enact*, That Sections amended. sections thirty-six, fifty-two, eighty-five, eighty-six, and eighty-seven, of an act entitled "An act to incorporate the city of Wyandotte," approved March five, eighteen hundred and sixty-seven, as amended by act number three hundred and thirty, of the session laws of eighteen hundred and sixty-nine, approved March twenty-

two, eighteen hundred and sixty-nine, as amended by act number two hundred and forty-six, of the session laws of eighteen hundred and seventy-three, approved April four, eighteen hundred and seventy-three, as amended by act number three hundred and sixty-seven, of the session laws of eighteen hundred and seventy-five, approved April twenty-seven, eighteen hundred and seventy-five, as amended by act number three hundred and thirty-five, of the session laws of eighteen hundred and seventy-seven, approved May ten, eighteen hundred and seventy-seven, be and the same are hereby amended so as to read as follows:

- Compensation of officers.** SEC. 36. The officers of said corporation shall be entitled to receive out of the city treasury the following sums in full payment for their services: The mayor shall be entitled to receive as compensation the sum of two dollars for each attendance on the meetings of the common council; the recorder and attorney shall be entitled to receive respectively such sums as the common council may allow, not exceeding three hundred dollars per annum; the marshal shall be entitled to receive the same fees for serving process in behalf of the corporation as constables are allowed for similar services, and he shall also receive such further compensation, not exceeding five hundred dollars per annum, as the common council may allow; the city assessor shall be entitled to receive such sum as the common council may allow, not exceeding one hundred and seventy-five dollars per annum; the treasurer, justices of the peace, and constables shall be allowed the same fees as are by law allowed to corresponding township officers, unless in this act otherwise provided; the police justice shall receive for his services such fees as are now allowed to justices of the peace for similar services; the street commissioner shall be entitled to receive one dollar and seventy-five cents per day for his services, and at the same rate for parts of days actually employed; the director of the poor shall be entitled to receive such compensation as the common council may allow, not exceeding seventy-five dollars per annum; the same shall be an annual salary and payable in quarterly or semi-annual installments as the common council may direct; the school inspector shall be entitled to receive such compensation as the common council may allow, not exceeding one dollar and fifty cents per day for every day actually employed in the performance of the duties of his office; the aldermen shall each be entitled to receive one dollar for each attendance on the meetings of the common council.
- Treasurer, justices, constables.** SEC. 52. It shall be the duty of the common council of said city, on the first regular meeting, in the month of October in each year, to determine by resolution the amount necessary to be raised by tax for city purposes within said city for such year, the sum so to be raised to be apportioned among the several wards of said city according to the valuation and equalization of the property appearing upon the assessment rolls of the several wards for such year, as equalized by the board of review of said city; the city recorder shall notify the city assessor of said city, within two days from such meeting of the common council, of the specific purposes and the several amounts so apportioned and necessary to be raised
- Marshal.**
- City assessor.**
- Police justice.**
- Street commissioner.**
- Director of the poor.**
- School inspector.**
- Aldermen.**
- Council to determine amount to be raised by tax, etc.**
- Apportionment among wards.**
- Recorder to notify assessor.**

for school and city purposes in said city, and it is hereby made the duty of such city assessor acting as the supervisor of the several wards of said city to levy the several sums so apportioned, and necessary to be raised to the several wards, and such other taxes, as may be required by law, upon the taxable property of the several wards in the same manner as taxes for township purposes are required by law to be levied by the supervisor of the townships of this State.

SEC. 85. On the receipt of the assessment roll by the city recorder, as provided in section forty-nine of this act, he shall forthwith give notice by written or printed notices, posted up in six most public places, and cause the same to be published once in some newspaper published in said county of Wayne, of the time and place, when, and where the common council, who, together with the city assessor, shall constitute a board of review and equalization, will meet to equalize said assessment roll. The session of said board shall be held at the city hall in said city, and shall be held on the first Monday of June in each year, and shall be held open for one day, from nine o'clock A. M. to six o'clock P. M. The board of review shall have power, and it shall be their duty, to equalize, alter, amend, and correct any assessments or valuation, and to place upon the assessment roll any taxable property, real and personal, not already assessed, held or owned by any person or persons, and to strike from said roll any property, real or personal, wrongfully thereon: *Provided*, They shall conform, in all respects, to the law of the State, in assessment of real and personal estates; they shall have the same power to review, correct, and equalize the assessment roll of said city, which supervisors now or hereafter may have by law to review, correct, and equalize the assessment rolls of townships in the several counties of this State. The board of review, having completed the review and corrected the assessment roll, and equalized the valuation of the real and personal estate, as appears on the assessment roll, in the several wards of said city, the said board shall, by resolution, ratify and confirm the same, and a certificate of such confirmation shall be attached to said assessment roll, signed by the mayor, and countersigned by the city recorder, under the corporate seal of said city.

SEC. 86. After the assessment roll shall have been fully and finally confirmed, as provided in the preceding section, it shall be the duty of the assessor to cause the amount of all taxes, in dollars and cents, authorized and required to be assessed, levied, and collected in each year, to be ratably assessed to each person named, or lot described upon, and according to the aggregate valuation as appears upon the book, which shall be known as the city assessment roll. The several sums and purposes for which such tax shall be raised, shall be stated in separate columns, showing the amount of State, county, highway, school, poor, and city expense, taxes assessed each person, or lot in each year. The said city assessor shall levy said taxes, and complete and deliver the assessment roll to the city treasurer, with his warrant thereto attached, on or before the fifteenth day of November in each year, and shall take

City assessor
to levy, etc.

Notice on receipt
of assessment
roll.

Meeting of board
of review and
equalization.

Powers of board.

Proviso.

Confirmation of
assessment roll.

Roll to be deliv-
ered to city
treasurer, etc.

Receipt for, deposited with city recorder. his receipt and deposit the same with the city recorder, and the city recorder shall file the same in his office, upon the receipt of the tax roll by the city treasurer. The taxes therein stated shall be due and payable at the same time and in the same manner as is now or may be hereafter provided by law for the collection of taxes in the several townships of this State. On the receipt of said tax roll by the city treasurer, he shall give public notice of the same by written or printed notices, posted up in six most public places in said city, which notice shall be sufficient demand for the payment of all taxes on said roll. For the collection of such taxes the city treasurer shall be allowed such percentage as the common council may allow, not exceeding four per cent, which shall be added [to], and collected of the several persons mentioned on said tax roll. On the receipt of any tax the city treasurer shall mark the same paid on the roll, and give the person paying the same a receipt therefor.

Collection of, by distress and sale.

SEC. 87. All the proceedings for the distress and sale of the personal property, for the non-payment of taxes, shall be in conformity with the provisions of law governing the proceedings of the township treasurers of the several townships of the State. The common council of said city shall have the authority and power, by resolution or ordinance, to extend the time for the collection of the taxes herein provided, for a period not exceeding thirty days.

This act is ordered to take immediate effect.

Approved March 13, 1883.

Extension of time for collection.

[No. 220.]

AN ACT to detach certain lands from the township of Portage, in the county of Houghton, State of Michigan, and to attach the same to the township of Franklin, in said county.

Territory detached from Portage and attached to Franklin.

SECTION 1. *The People of the State of Michigan enact,* That all of section twenty-eight (28), in township number fifty-five (55) north, of range thirty-three (33) west, in the county of Houghton, and State of Michigan, be, and the same is hereby detached from the township of Portage, and attached to the township of Franklin, in said county.

This act is ordered to take immediate effect.

Approved March 13, 1883.

[No. 221.]

AN ACT to authorize and empower the city of Ypsilanti and the township of Ypsilanti to construct a bridge across the Huron river.

Construction of bridge authorized.

SECTION 1. *The People of the State of Michigan enact,* That the city of Ypsilanti and the township of Ypsilanti, in the county of Washtenaw, are hereby authorized and empowered to construct a bridge across the Huron river on the line between sections four

and five, in township three (3) south, range seven (7) east, and said line shall be the north and south centre line of said bridge.

SEC. 2. Said bridge shall be of sufficient width to allow teams to ^{width, approaches.} pass each other thereon, and the approaches to the ends of the bridge shall be properly graded.

SEC. 3. Said bridge shall be constructed, maintained, and repaired ^{Expense of, how paid.} at the joint and equal expense of the city of Ypsilanti and township of Ypsilanti.

SEC. 4. The common council of said city and the town board of ^{Contract for by whom made.} said township are hereby empowered to contract for the construction of such bridge at a sum of money not exceeding five thousand dollars; and the city of Ypsilanti and the township of Ypsilanti ^{Bonds authorized.} are authorized to raise their respective proportions of the cost of such bridge and grading, by tax, or upon bonds to be issued by said city and township severally, which bonds shall be payable within three years after the issuing thereof, with annual interest at a rate not exceeding seven per cent.

This act is ordered to take immediate effect.

Approved March 13, 1883.

[No. 222.]

AN ACT to authorize the city of Saginaw to raise money for the purpose of building, or aiding to build a court house therein for the county of Saginaw, and to authorize said city and county to contract with each other in relation thereto.

SECTION 1. *The People of the State of Michigan enact,* That the city of Saginaw be, and it is hereby authorized and empowered to borrow money on the faith and credit of said city, and to issue its bonds therefor, to an amount not exceeding one hundred thousand dollars, to be used by said city in constructing a court house therein for the county of Saginaw, or to aid in constructing such court house therein for said county. *Provided,* A majority of the property-holding, tax-paying electors of said city, voting on the question of such loan, shall vote therefor in the manner herein-after specified.

SEC. 2. The question of issuing the bonds of said city, for the purpose aforesaid, shall be submitted to the said property-holding, tax-paying electors, by the common council of said city, and the vote shall be taken thereon in the manner, as nearly as may be, provided in the charter of said city for taking the vote of such electors upon the question of issuing the bonds of said city. Any person, offering to vote at such meeting, may be challenged by any qualified elector present, and if so challenged, shall not be allowed to vote unless he shall swear, or affirm that he is a "property-holding, tax-paying elector of said city;" and the inspectors of such election are authorized, and on demand of the person challenged, required to administer to him such oath, or affirmation, upon taking which he shall be allowed to vote. Five days' notice shall be given, ^{Question to be submitted to vote, etc.} ^{Challenge.} ^{Notice.}

by the common council, of the time and place of taking the vote upon the question of such loan.

Issuing of bonds. SEC. 3. If such loan shall be authorized by a majority of such electors, such bonds may be issued in such sums, not exceeding in all the amount hereinbefore limited, and payable at such times,

Rate of interest. with such rate of interest, not exceeding seven per cent per annum, as the common council of said city may direct, and shall be signed by the mayor, and countersigned by the controller of said city, and sealed with the seal thereof, and shall be negotiated under the direction of the common council, but not for less than the face value thereof, and the money arising therefrom shall be expended for the purpose mentioned in this act, and for no other purpose.

By whom negotiated.

Contract for building, by whom made. SEC. 4. The said county of Saginaw, by its board of supervisors, and the said city, by its common council, are hereby authorized to make such contract, or agreements in relation to the building of such court-house for the county, and the use thereof, as in the opinion of said board of supervisors, and said common council, will protect the rights and interests of said county and city.

Assessments and taxes to pay, etc. SEC. 5. If such bonds shall be issued as hereinbefore authorized, it shall be the duty of the common council of said city, from time to time, to levy and assess such taxes upon the taxable property of said city as may be necessary promptly to meet and pay the interest and principal of such bonds as the same becomes due.

This act is ordered to take immediate effect.

Approved March 13, 1883.

[No. 223.]

AN ACT to incorporate the city of St. Ignace.

CHAPTER I.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact*, That so much of the territory of the township of St. Ignace, in the county of Mackinac, as is included within the following boundaries, to wit: Commencing at the northwest corner of township forty (40) north, of range three (3) west; thence south between township forty (40) north, and range three (3) and four (4) west, to the north line of private claim number nineteen (19); thence westerly along said north line twenty (20) chains; thence south ten degrees east to the north line of private claim number fifteen (15); thence south forty-five (45) degrees east to the Straits of Mackinac; thence easterly along the shore of said straits to Lake Huron; thence along the shore of Lake Huron to the north line of said township number forty (40) north, of range three (3) west; thence west to the place of beginning, be and the same is hereby constituted a city corporate under the name of St. Ignace. And the jurisdiction of said city shall embrace and cover the navigable waters adjacent to said city for the distance of one mile from the shore lines hereinbefore described.

Jurisdiction of, over adjacent waters.

SEC. 2. Said city shall be divided into three wards, viz.: first, Wards. second, and third. The first ward shall be composed of that portion of said city lying in private claim number one (1) to eight (8) inclusive. The second ward shall be composed of that portion of said city lying in private claim number nine (9) to eighteen (18) inclusive, and the third ward shall be composed of all the remainder of the territory of said city.

CHAPTER II.

ELECTORS AND REGISTRATION.

SECTION 1. The inhabitants of the city incorporated under this act, having the qualifications of electors under the constitution of the State, and no others, shall be electors therein.

SEC. 2. Every elector shall vote only in the ward where he shall have resided during the ten days next preceding the day of election. The residence of any elector not being a householder shall be deemed to be in the ward in which he boards or takes his regular meals. The parties hereinafter named as inspectors of election of the various wards of the said city shall, on the Friday and Saturday next preceding the first city election in eighteen hundred and eighty-three, sit as a board of registration subject to all the laws of the State of Michigan regarding the registering of electors, at the places hereinafter named for holding election in the various wards from nine o'clock in the forenoon to five o'clock in the afternoon and make a list of the qualified electors in each ward and enter their names, together with the street on which they reside, or other satisfactory description of their respective residences, in a book to be furnished for that purpose, and such book shall be the register of electors for such ward, and shall be deposited with the city clerk within three days after his election and qualification.

SEC. 3. The first election under this act shall be on the first Monday in April, in the year eighteen hundred and eighty-three (1883). The first election under this act to be held in the first ward, in the year eighteen hundred and eighty-three (1883), shall be at the school-house in said ward, and the inspectors of said election shall be William B. Vance, Allen W. Hulbert, Joseph M. Burdette; and the first election under this act to be held in the second ward in the year eighteen hundred and eighty-three (1883), shall be at the school-house in said ward, and the inspectors of said election shall be Michael Mulcrone, Henry M. Mason, and Peter W. Hounbach; and the first election under this act to be held in the third ward in the year eighteen hundred and eighty-three (1883), shall be at the school-house in said ward, and the inspectors of said election shall be Michael Murray, Ambro Bettes, and Peter A. Paquin: *Provided, however, That the inspectors in said several wards may, in case it shall be found necessary, change the place of holding said first election to any other suitable place in their respective wards.* In case any of said inspectors shall fail to appear at the time and place appointed for such election, the electors present shall choose one or more of their

number to act as such inspectors in lieu of the inspectors failing to appear.

Notice of first election.

SEC. 4. At least five days before the first election in and for the new corporation, the persons mentioned in the previous section shall cause notice to be given, by hand-bills posted in five of the public places, in each ward, and by publication in one or more newspapers, published in said city, of the time and place in each ward of holding such election, and of the city and ward officers to be elected, and of the place in each ward where the said inspectors of election will meet on the Friday and Saturday next preceding the election to make a registration of the electors of the new city corporation; and that no person, unless registered in such registry, can be permitted to vote at such election.

Books of registry.

SEC. 5. Said inspectors in each ward shall procure books of registry, of the form required by law for the registration of the electors in cities, and may charge the same to the said city.

Canvass of vote.

SEC. 6. Immediately after the closing of the polls the said persons named as inspectors of election shall, without adjournment, publicly canvass the votes received by them, according to law, and declare the result; and shall on the same or next day, make a certificate stating the number of votes given for each person for each office, and therefrom determine the persons elected to the respective offices, and notify the same of such election, and such certificate of election, given by the inspectors thereof, shall constitute evidence of the election of the person therein named. The inspectors of said election shall file a copy of each certificate, given by their hands to the officers elect, with the city clerk, within ten days after the qualification of said officers.

To be filed.

REGISTRATION.

Who to constitute board of.

SEC. 7. The aldermen and supervisor of each ward shall constitute the board of registration therein, except as in this act otherwise provided. If by reason of a change of boundary of any ward, or the formation of a new ward, or other cause, there shall not be any or a sufficient number of alderman [aldermen] with the supervisor representing such ward to constitute a board of registration of two persons, the council shall supply the vacancy or appoint a board of registration for the ward.

Council to fill vacancies.

Registration in case of change of boundaries of ward, etc.

SEC. 8. When changes shall be made in any ward or wards, or a new ward shall be formed in whole or in part from the territory of other wards, the boards of registration of the respective wards affected by the change shall meet previous to the time prescribed by law for giving notice of their sessions preceding the next election, and the name of each registered elector known to have been transferred by such change from one ward to another ward, or to the new ward, shall be copied into the register of the ward to which the transfer was made, and be stricken from the register of the ward from which the elector was transferred by the change.

When new ward is formed.

SEC. 9. When a new ward shall be formed, the board of registration thereof, at its session next preceding the next election therein, shall make or complete a new register of the electors resid-

ing therein, and for that purpose shall remain in session one day; and notice of the formation of such ward, and that a new register of the electors will be made at that session, shall be given with the notice required by law to be given of such session of the board.

SEC. 10. The boards of registration at their sessions previous to the general election in November, in the year one thousand eight hundred and eighty-four, shall make a re-registration of the qualified electors of their respective wards, in books of the form provided by law. The same rules shall be observed in such registration as are provided by law for the registration of electors in cities; and a like registration of the electors of each ward shall be made at the session of the board next preceding the general election, in the year eighteen hundred and eighty-four, and every fourth year thereafter. When such new registry shall be made, the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration unless his name shall be registered in such new register, except as provided by the general election laws. Notice that such re-registration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made.

CHAPTER III.

OFFICERS.

SECTION 1. The officers of said city shall be a mayor, city clerk, ^{city officers.} treasurer, and four justices of the peace, who shall be elected by the qualified voters of the whole city, voting in their respective wards.

SEC. 2. In each ward a supervisor, two aldermen, one constable, ^{Ward officers.} and two school inspectors shall be elected.

SEC. 3. The following officers shall be appointed by the council, ^{Appointed officers.} viz.: A city attorney, city marshal, street commissioner, city surveyor, engineer of fire department, one health officer, fire wardens, pound-masters, one commissioner of cemeteries, and such a police force as may be necessary, and such other officers and assistants and agents as may be authorized by prior resolutions of the common council.

SEC. 4. Appointments to office by the council, except appointments to fill vacancies, shall be made on or before the first Monday in May in each year, but appointments, which for any cause shall not be made on or before that day, may be made at any subsequent regular meeting of the council.

SEC. 5. The mayor, city clerk, treasurer, and school inspectors, ^{Term of office.} supervisors, aldermen, and constables shall hold their offices for the term of one year from the first Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their offices.

SEC. 6. The justices of the peace, elected at the first city election, ^{Term of office of justices.} shall hold their offices: One for one year, one for two years, one for three years, and one for four years, from the fourth day of July next after such election, and such justices shall qualify and enter

upon the duties of their offices within ten days after such election. After the first election one justice of the peace shall be elected in said city each year, for the term of four years from the fourth day of July next after his election.

When officers shall enter upon their duties.

SEC. 7. Justices of the peace elected for the full term of four years, shall enter upon the duties of their offices on the fourth day of July next after their election. In all other cases officers shall enter upon the duties of their offices immediately, upon taking the oath of office, and giving the security, if any, required for the performance of the duties of the office.

Oath of office.

SEC. 8. Justices of the peace, elected in said city, shall take and file an oath of office with the county clerk of the county of Mackinac, within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers elected or appointed in the city shall, within ten days after receiving notice of their election, or appointment, take and subscribe the oath of office prescribed by the constitution of the State, and file the same with the city clerk.

Bond of justices.

SEC. 9. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk, mentioned in the preceding section, the security for the performance of the duties of his office, required by law in the case of justices of the peace elected in townships; except that said official bond or security may be executed in presence of, and be approved by the mayor; and in case he shall enter upon the execution of his office before having filed his official oath and bond, or security, and such other bond or security to the city as may be required by law, or by any ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships; and every other officer elected or appointed in the city, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the city clerk such bond or security as may be required by law, or by any ordinance or requirement of the council, and with such securities as shall be approved by the council, for the due performance of the duties of his office, except that the bond or security of the clerk shall be deposited with the city treasurer.

New bonds.

SEC. 10. The council may also, at any time, require any officer, whether elected or appointed, to execute and file with the clerk of the city new official bonds in the same, or in such further sums, and with new or such further sureties as said council may deem requisite for the interest of the corporation. Any failure to comply with such requirement shall subject the officer to immediate removal by the council.

CHAPTER IV.

VACANCIES IN OFFICE.

Resignations.

SECTION 1. Resignation of officers shall be made to the council, subject to their approval and acceptance.

SEC. 2. If any officer shall cease to be a resident of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated.

SEC. 3. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

SEC. 4. A vacancy in the office of mayor, or of any alderman, occurring more than ninety days before an annual city election, shall be filled by a special election. A vacancy in the office of any alderman occurring within ninety days before an annual election, and all vacancies in the office of justice of the peace, shall be filled at the next annual election. Vacancies in any other office shall be filled by appointment, by the council, within twenty days after the vacancy occurs, or if the vacancy be in an elective office, it may be filled by an election or an appointment, in the discretion of the council.

SEC. 5. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

SEC. 6. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall on demand, deliver over to his successor in office, all the books, papers, moneys, and effects in his custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense, under the general laws of this State, now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

CHAPTER V.

ELECTIONS.

SECTION 1. An annual city election shall be held on the first Monday in April in each year, at such place in each of the several wards of the city as the council shall designate.

SEC. 2. Special elections may be appointed by resolution of the council, and held in and for the city, or in and for any ward thereof, at such time and place or places as the council shall designate, the purpose and object of which shall be fully set forth in the resolution appointing such election.

SEC. 3. Whenever a special election is to be held, the council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice signed by the city clerk, specifying the officer or officers to be chosen, and the ques-

Removal from
city or ward to
vacate office.

Office vacant on
failure to file
oath and bond.

Filling
vacancies.

Liability after
resignation, etc.

Delivery of
books, moneys,
etc., to successor.

Notice of
special elections.

tion or proposition, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held, and the proceedings and manner of holding the election shall be the same as at the annual elections.

Time and manner of giving notice.

SEC. 4. Notice of the time and place or places of holding any election, and of the officers to be elected and the questions to be voted upon, shall, except as herein otherwise provided, be given by the city clerk at least eight days before such election, by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy thereof in a newspaper published in the city, the same length of time before the election; and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Ballot-boxes.

SEC. 5. The council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

Opening and closing polls.

SEC. 6. On the day of elections, held by virtue of this act, the polls shall be opened in each ward at the several places designated by the council at eight o'clock in the morning, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made of the opening and closing of the polls.

Inspectors of election.

SEC. 7. The supervisor and aldermen of each ward shall, except as in this act otherwise provided, constitute the board of inspectors of election. If by reason of the formation of new wards, or by a change in the boundaries of existing wards, or for any reason there shall not be a sufficient number of the officers last named in any ward to make a board of three inspectors, it shall be the duty of the council, at least one week before the election, to appoint a sufficient number of inspectors, who with the officers above named, if any, residing in the ward, shall constitute a board of three inspectors for the ward, and if at any election any of the inspectors above provided for shall not be present or remain in attendance, the electors present may choose *viva voce*, such number of such electors as with the inspector or inspectors present shall constitute a board of three in number, and such electors so chosen shall be inspectors of [at] that election.

Chairman and clerks of board.

SEC. 8. The supervisor shall be chairman of the board, and the others shall be clerks of election, or when necessary the board may appoint two other persons to be clerks of election, and the persons so appointed, and each person chosen or appointed as inspector of election shall take the constitutional oath of office, which oath either of the inspectors may administer.

Duties of inspectors.

SEC. 9. The inspectors of election, as specified in the last two sections, shall be inspectors of State, county, and district elections in their respective wards.

Manner of conducting elections.

SEC. 10. All elections held under the provisions of this act shall be conducted, as nearly as may be, in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such election shall have the

same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election, and the canvass of the vote [votes], as are conferred by law upon inspectors of general elections held in this State.

SEC. 11. The electors shall vote by ballot; and the same ballot shall contain the names of persons designated as officers for the city, and as officers for the ward. The ballots cast upon any question or proposition submitted to be voted upon shall be separate, and be deposited in a separate box. Vote by ballot.

SEC. 12. If at any election vacancies are to be supplied in any office, or if any person is to be elected for less than a full term of the office, the term for which any person is voted to fill, the same shall be designated on the ballot. Ballots for vacancies.

SEC. 13. It shall be the duty of the inspectors, on receiving the vote, as specified in the last two sections, to cause the same, without being opened or inspected, to be deposited in the proper box provided for that purpose. The board shall also write, or cause to be written, the name of each elector voting at such elections, in two poll lists, to be kept by said inspectors of elections, or under their direction. And such lists shall be so kept as to show the number and names of the electors voting upon any question or proposition submitted to the vote of the electors. Polling of ballots.

SEC. 14. Immediately after closing the polls, the inspectors of election shall, without adjourning, publicly canvass the votes received by them, and declare the result; and shall, on the same day, or on the next day, make a statement in writing, setting forth in words at full length, the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the number of votes so given for each person, and the whole number of votes given upon each question voted upon, and the number of the votes given for and against the same, which statement shall be certified under the hands of the inspectors to be correct; and they shall deposit such statement and certificate on the day of election, or on the next day, together with said poll lists, and the register of electors, and the boxes containing said ballots, in the office of the city clerk. Canvass by inspectors.

SEC. 15. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this State, and the inspectors shall, in all other respects, except as herein otherwise provided, conform, as nearly as may be, to the duties required of inspectors of election at such general elections. Canvass, how made.

SEC. 16. The council shall convene on Thursday next succeeding each election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and thereupon the city clerk shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons Council to determine result of election. Certificates.

are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk, in the county of Mackinac, and the other shall be filed in the office of the city clerk.

Tie vote, how determined.

SEC. 17. The person receiving the greatest number of votes, for any office in the city or ward, shall be deemed to have been duly elected to such office; and if there shall be no choice for any office, by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

Notice to persons elected.

SEC. 18. It shall be the duty of the city clerk, within five days after the meeting and determination of the council, as provided in section sixteen, to notify each person elected, in writing, of his election; and he shall also, within five days after the council shall appoint any person to any office, in like manner notify such person of such appointment.

Report of failure to qualify.

SEC. 19. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the city clerk shall report in writing to the council the names of the persons elected or appointed to any office, who shall have neglected to file such oath, and requisite bond or security, for the performance of the duties of the office.

CHAPTER VI.

DUTIES AND COMPENSATION OF OFFICERS.—THE MAYOR.

Duties of mayor. SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council, and shall, from time to time, give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws regulating the city, and the ordinances and regulations of the council are enforced.

Conservator of the peace.

SEC. 2. The mayor shall be a conservator of the peace, and may exercise, within the city, the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinance [ordinances] of the council, and to suppress riot and disorderly conduct.

Power of removal or suspension.

SEC. 3. The mayor may suspend any policeman for neglect of duty, and shall have authority at all times to examine and inspect the books, records, and papers of any agent, employés [employé], or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

President pro tempore.

SEC. 4. In the absence or disability of the mayor, or of any vacancy in his office, the president *pro tempore* of the council shall perform the duties of the mayor.

ALDERMEN.

SEC. 5. The aldermen of the city shall be members of the council, ^{Duties of} _{aldermen.} and attend the meetings thereof, and act upon committees when thereunto appointed by the mayor or council. As conservators of the peace, they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. No alderman shall be elected or appointed to any other office in the city during the term for which he was elected as alderman.

CITY CLERK.

SEC. 6. The city clerk shall keep the corporate seal, and all the ^{Duties of} _{city clerk.} documents, official bonds, papers, files, and records of the city, not by this act or the ordinances of the city entrusted to some other officer; he shall be clerk of the council; shall attend its meetings, record all its proceedings, ordinances and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify, under the seal of the city, copies of the papers and records filed and kept in his office, and such copies shall be evidence in all places of the matters therein contained to the same extent as the original would be; he shall possess and exercise the powers of township clerk, so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations.

SEC. 7. The city clerk shall be the general accountant of the city; ^{Idem.} and all claims against the corporation shall be filed with him for adjustment; after examination thereof, he shall report the same with all accompanying vouchers and counter claims of the city, and the true balance as found by him, to the council for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made, and to take proper receipts therefor; but no warrant shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised, or appropriated, the clerk shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised, or appropriated and the amounts thereof to be credited to each fund.

SEC. 8. The city clerk shall exercise a general supervision over ^{Idem.} all officers charged in any manner with the receipt, collection, and disbursement of the city revenues, and over all the property and assets of the city; he shall have charge of all books, vouchers, and documents relating to the accounts, contracts, debts, and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and all of its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys

received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping a separate account with each fund; when any fund has been exhausted, the clerk shall immediately advise the council thereof.

Financial report, etc.

SEC. 9. The city clerk shall report to the council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require.

CITY TREASURER.

Duties of city treasurer.

SEC. 10. The treasurer of the city shall be, by virtue of his office, the collector of all tax [taxes] and assessments, both general and special, levied and made therein, and for that purpose, within ten days after his election, he shall give bonds to the city, in such sums, and with such security [surety] or securities [sureties] as the common council shall require and approve; and he shall also give to the treasurer of the county of Mackinac such further security as is, or may hereafter be required by law of the several township treasurers of this State; and for the purpose of collection and return of all such taxes, and the return of property delinquent for the non-payment of taxes, the said treasurer, on giving the bonds or surety as required, shall possess all the powers and perform all the duties of the several township treasurers of this State, as prescribed by law, and shall also perform such other duties respecting the collection and return of taxes, as the common council shall require.

How moneys drawn from treasury.

SEC. 11. All moneys drawn from the treasurer shall be drawn in pursuance of an order of the common council, by warrants signed by the clerk and countersigned by the mayor. Such warrant shall specify for what purpose the amount named therein is to be paid, and the treasurer shall keep an accurate account, under appropriate heads, of all the warrants paid by him, and his books shall be open to the inspection of any elector of the city at all reasonable hours. The treasurer shall exhibit to the common council, at their last regular meeting in the month of March, and at such other times as the common council may require, a full and fair account of the receipts and expenditures from and after the date of the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found correct shall be filed.

Reports of treasurer.

CITY MARSHAL.

Powers and duties of marshal.

SEC. 12. The city marshal shall be the chief of the police of the city. As police officer he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all processes directed

or delivered to him, in all proceedings for violations of the ordinances of the city; such process may be served anywhere within the State.

SEC. 13. He shall suppress all riots, disturbances, and breaches of ^{Idem.} peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the corporation, and pursue and arrest any person fleeing from justice in any part of the State. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk in the streets, until they shall become sober.

SEC. 14. The city marshal shall be *ex officio* harbor master of ^{To be harbor master.} said city, and shall have full powers over the navigable waters therein, and shall enforce the ordinances of the city in regard thereto.

SEC. 15. The marshal shall report in writing and on oath to the ^{Report of} council, at their first meeting in each month, all arrests made by ^{marshal.} him, and the cause thereof, and all persons discharged from arrest during the month; also, the number remaining in confinement for breaches of the ordinances of the city; the amount of all fines and fees collected by him. All moneys collected or received by the ^{Moneys received by, to be paid to treasurer.} marshal, unless otherwise directed by this act, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the clerk.

SEC. 16. The city marshal may collect and receive the same fees ^{Fees.} for services performed by him as are allowed to constables for like services; but in no case shall such fees be charged to, or paid by the city.

CITY ATTORNEY.

SEC. 17. The city attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council and of ^{Powers and duties of} all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute for offenses against the ordinances of the city.

CITY SURVEYOR.

SEC. 18. The city surveyor shall have and exercise within the city, the like powers and duties as are conferred by law upon county surveyors, and the like effect and validity shall be given to his official acts, surveys, and plats as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications required by the council or officers of the city, relating to the public improvements, buildings, grounds, and streets of the city.

STREET COMMISSIONER.

SEC. 19. It shall be the duty of the street commissioner to perform, or cause to be performed, all such labor, repairs, and improve- ^{Powers and duties.}

ments upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds, and parks within the city as the council shall direct to be done by or under his supervision, and to oversee and do whatever may be required of him in relation thereto by the council.

Monthly report. SEC. 20. He shall make a report to the council, in writing and on oath, and in each month, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor, the amount of material used, and the expense thereof, and the street or place where such material was used, or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report, and no payment for labor or services performed, or for expenses incurred by him shall be made until reported on oath as aforesaid.

CONSTABLES.

Powers and authority.

SEC. 21. The constables of the city shall have the like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of the ordinances of the city.

Duties.

SEC. 22. The constables of the city shall obey all lawful orders of the mayor, aldermen, and chief of police, and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution, or regulation of the council, and for any neglect or refusal to perform any duty required of him, every constable shall be subject to a penalty of not less than five or [nor] more than fifty dollars. Every constable before entering upon the duties of his office shall give such security for the performance of the duties of his office as is required of constables in townships, or as may be required by the council and file the same with the city clerk.

SUPERVISORS.

Powers and duties of.

SEC. 23. The supervisors of the several wards are authorized to perform the same duties in relation to the assessment of property and levying taxes for all purposes, in their respective wards, as are imposed by law upon supervisors elected in townships, and they shall have the like powers and perform the like duties in all other respects as supervisors so elected, except as herein otherwise provided, so far as such powers and duties are required to be exercised and performed in their wards; they shall represent their several wards in the board of supervisors of the county of Mackinac, and shall have all the rights, privileges, and powers of the several members of such board of supervisors.

Jury lists.

SEC. 24. The supervisors of the several wards shall select and return lists of petit jurors to the clerk of the county, in the same manner and within the same time as the like duty is required to be performed by township officers.

SCHOOL INSPECTORS.

SEC. 25. The school inspectors of the city shall perform such duties in and for the city and for the public schools as are required of school inspectors elected in townships, so far as such duties are applicable or shall be required under this act. They shall also perform such duties as members of the board of education as are in this act prescribed.

School in-
spectors.

JUSTICES OF THE PEACE.

SEC. 26. The justices of the peace elected in the city under the provisions of this act shall have and exercise therein and within the county the same jurisdiction and powers in all civil and criminal matters, causes, suits, and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of the State. They shall have authority to hear, try, and determine all actions and prosecutions for the recovery or enforcing of fines, penalties, and forfeitures for violations of this act, and for encroachments upon and injuries to any of the streets, alleys, and public grounds within the city, except in cases where jurisdiction is given to some other court. They shall have authority to hear, try, and determine all suits and prosecutions for the recovery or enforcing of fines, penalties, and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances as in the ordinances prescribed and directed.

Justices of the
peace, powers
and duties of.

SEC. 27. The proceedings in all suits and actions before said justices, and in the exercise of the powers and duties conferred upon and required of them, shall, except as otherwise provided in this act, be according to, and be governed by, the general laws applicable to courts of justices of the peace, and to the proceedings before such officers.

General laws to
govern in pro-
ceedings before.

SEC. 28. Every justice of the peace shall enter in the docket kept by him the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings and the judgment rendered in every such cause, and the items of all the costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties, and forfeitures, moneys, and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justice at all times to the examination of any person desiring to examine the same, and shall be produced by the justice to the council whenever required.

Justices' docket.

SEC. 29. All fines, penalties, forfeitures, and moneys collected or received by any justice of the peace, for or on account of violations of any ordinances of the city, shall be paid over by such justice to the city treasurer on or before the first Monday of the month next after the collection or receipt thereof, and the justice shall take the receipt of the city treasurer therefor, and file the same with the city clerk.

To pay over
money in his
hands monthly.

Monthly report
to council.

SEC. 30. Every such justice shall report, on oath, to the council, at the first regular meeting thereof in each month, the name of every person against whom a prosecution has been commenced, or judgment rendered, for any of the fines, penalties, or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution, and the amount thereof paid to the city treasurer since the last preceding report.

Fines and
expenses.

SEC. 31. All fines recovered for the violations of the penal laws of the State, when collected and paid into the city treasury, shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city for violations of said criminal laws, and in punishing the offenders, shall be paid by the county of Mackinac.

Bond to city.

SEC. 32. Each justice of the peace, in addition to any other security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the city, in a penalty of one thousand dollars, with sufficient sureties, to be approved by the mayor, which approval shall be endorsed upon the bond, conditioned for the faithful performance of the duties of justice of the peace, within and for the city.

Penalty for
misconduct or
neglect of duty.

SEC. 33. Any justice of the peace who shall be guilty of misconduct in office, or who shall willfully neglect or refuse to perform or discharge any of the duties of his office required by this act, or any of the ordinances of the city, shall be deemed guilty of a misdemeanor, and punishable accordingly, and may be suspended from office by the council during its pleasure.

To account for
stolen property
in his hands.

SEC. 34. Every justice of the peace of the city, shall account on oath to the council, at their first meeting in each month, for all such moneys, goods, wares, and property, seized as stolen property, as shall then remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by the ordinances of the city.

Additional pow-
ers and duties
of officers, etc.

SEC. 35. In addition to the rights, powers, duties, and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties, and liabilities subject to and consistent with this act, as the council shall deem expedient, and prescribed by ordinance or resolution.

COMPENSATION OF OFFICERS.

Salaries, com-
pensation,
etc., of.

SEC. 36. The mayor and aldermen may each receive such salary as may be prescribed by the council. The city marshal, clerk, city attorney, and engineer of the fire department, shall each receive such annual salary as the council shall determine by ordinance. Supervisors, for assessing and levying taxes, extending taxes upon their rolls, and for all other services performed by them, shall receive the same compensation as is by law allowed supervisors of townships, for the time actually employed. Justices of the peace, constables, and officers serving process, and making arrests, may, when engaged in causes and proceedings for violations of the ordi-

nances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All officers elected or appointed in the city shall, except as herein otherwise provided, receive such compensation as the council shall determine.

CHAPTER VII.

THE CITY COUNCIL.

SECTION 1. The legislative authority of said city shall be vested in a council, consisting of the mayor, two alderman [aldermen] Authority of and of whom elected from each ward, and the city clerk. composed:

SEC. 2. The mayor shall be president of the council, and pre- President side at the meetings thereof, but shall have no vote therein, except in case of a tie, when he shall have the casting vote.

SEC. 3. On the first Monday in May in each year, the council shall appoint one of their number president *pro tempore* of the council, who, in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions. In the absence of the president and president *pro tem.* the council shall appoint one of their number to preside; and for the time being he shall exercise the powers and the duties of the president *pro tem.*

SEC. 4. The city clerk shall be clerk of the council, but shall have no vote therein. He shall keep a full record of all proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the clerk, the council shall appoint one of their number to perform the duties of his office for the time being.

SEC. 5. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon.

SEC. 6. The council shall be judge of the election returns, and qualifications of its own members. It shall hold regular, stated meetings for the transaction of business, at such times and places within the city as it shall prescribe, not less than two of which shall be held in each month. The mayor or any three members of the council may appoint special meetings thereof, notice of which in writing, shall be given to each alderman, or be left at his place of residence, at least twelve hours before the meeting.

SEC. 7. All meetings and sessions of the council shall be in public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley, or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded.

How money appropriated.

at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council, nor shall any such resolution be passed or adopted except by the vote of a majority of all the aldermen elected to office, except as herein otherwise provided.

Rules for conducting business of.

SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof; and within one week after any meeting of the council, all the proceedings and votes taken thereat shall be published in one of the newspapers of the city.

Powers of, over members and others.

SEC. 9. The council may compel the attendance of its members and other officers of the city, at its meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may [by] ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct, by any member or any person present at any session of the council.

City officers entitled to sit with.

SEC. 10. The city attorney, city marshal, street commissioner, city surveyor, and engineer of the fire department shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

Control of finances and property.

SEC. 11. The council shall have control of the finances, and of all the property, real and personal, of the city corporation, except as may be otherwise provided by law.

Execution of powers.

SEC. 12. Whenever by this act, or any other provisions of law, any power of authority is vested in, or duty imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.

Standing committees.

SEC. 13. The council may provide by ordinance for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor.

Where books, records etc., to be kept.

SEC. 14. The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers, and papers, relating to the finances and affairs of the city, or to the official acts of any officer of the corporation, unless required by law to be kept elsewhere, to be deposited and kept in the office of the city clerk, and to be so arranged, filed, and kept as to be convenient of access and inspection, and all such records, books, and papers shall be subject to inspection by any inhabitant of the city, or other person interested therein, at all seasonable times, except such parts thereof as in the opinion of the council it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter, or destroy any such books, records, documents, or papers, or expose the same to loss or destruction,

Penalty for destroying, injuring, etc.

with intent to prevent the contents or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State prison, not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

SEC. 15. No member of the council or alderman shall receive any extra compensation for his services, either as councilman, alderman, committee man, or otherwise, except as herein provided.

SEC. 16. No member of the council or any officer of the corporation shall be interested directly, or indirectly, in the profits of any job, work, or services, other than official services, to be performed for the corporation. Any member of the council, or officer of the city herein specified, offending against the provisions of this section, shall, upon conviction thereof, be fined not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

SEC. 17. Any person appointed to office by the council by authority of this act, may be removed therefrom by a vote of the majority of the aldermen elect, and the council may expel any alderman, or remove from office any person elected thereto, by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provision shall be made by ordinance for preferring charges and trying the same; and no removal of any [an] elective officer shall be made unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

SEC. 18. To enable the council to investigate charges against any officer, or such other matters as they [may] deem proper to investigate, the mayor, or any justice of the peace of the city is empowered, at the request of the council, to issue subpœnas or process by warrant to compel the attendance of persons and the production of books and papers before the council, or any committee thereof.

SEC. 19. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council, or chairman of such committee for the time being, shall have power to administer the necessary oaths; and such council or committee shall have the same power to compel the witnesses to testify as is conferred on courts of justices of the peace.

SEC. 20. The council shall audit and allow all accounts chargeable against the city; but no account or claim, or contract shall be received for audit or allowance, unless it shall be accompanied with an affidavit of the person rendering it, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are indorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date

*Members of and
officers not be
interested in
contract.*

Penalty.

*Removal from
office.*

*Investigation of
charges against
officers.*

*Powers of
investigation.*

*Auditing claims
against the city.*

of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city, that it has never been presented, verified as aforesaid, to the council for allowance; or that the claim was presented without the affidavit aforesaid, and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

CHAPTER VIII.

ORDINANCES.

Style, vote, and
time of taking
effect.

SECTION 1. The style of all ordinances shall be, "The City of St. Ignace ordains." All ordinances shall require, for their passage, the concurrence of a majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

Ordinances
imposing fines,
penalties, etc.

SEC. 2. When, by the provisions of this act, the council of said city has authority to pass ordinances for any purpose, they may prescribe fines, penalties, and forfeitures, not exceeding five hundred dollars unless a greater fine or penalty is herein authorized, or imprisonment not exceeding six months, or both, in the discretion of the court, together with the costs of prosecution, for each violation of any of said ordinances; and may provide that the offender, on failing to pay any such fine, penalty, or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding six months, unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison or in the county jail of the county of Mackinac, or in such other prison or place of confinement in the State as the council may prescribe; and that the offender be kept at hard labor during such imprisonment. Such fine, penalty, forfeiture, and imprisonment, for the violation of any ordinance, shall be prescribed therein.

Approval of ordi-
nances by mayor.

SEC. 3. On the same day or the next day after the passage of any ordinance, the clerk of the council shall present the same to the mayor, or other person performing the duties of mayor, for his approval. No ordinance shall be of any force without the written approval of the mayor or other person performing for the time being the duties of his office, unless he omit to return it to the clerk of the council with his objections thereto, within three days after its presentation to him, in which case it shall be deemed regularly enacted. If, after the return of the ordinance with the objection thereto as aforesaid, the same shall be passed or reenacted by a vote of two-thirds of all the aldermen elected, the ordinance shall be deemed regularly enacted, and the time of its reenactment shall be deemed to be the time of its passage.

Duty of clerk as
to approval, etc.

SEC. 4. At the time of presenting any ordinance to the mayor for his approval, the clerk of the council shall certify thereon, and also in the journal or record of the proceedings of the council, the time when the same was so presented, and shall also certify thereon, and in such journal or record, the time of the return of

such ordinance, and whether approved or with objections, and shall, at the next meeting of the council report any ordinance returned with objections thereto.

SEC. 5. No ordinance shall be revived unless the whole, or so much as is intended to be revived, shall be reenacted. When any section of an ordinance is amended, the whole section, as amended, shall be reenacted.

SEC. 6. All ordinances, when approved by the mayor, or when regularly enacted, shall be immediately recorded by the clerk of the council, in a book to be called the "record of ordinances," and it shall be the duty of the mayor and the clerk to authenticate the same by their official signatures upon such record.

SEC. 7. Within one week after the passage of any ordinance, the same shall be published in some newspaper printed and circulated within the city, and the clerk shall, immediately after such publication, enter on the record of ordinances, in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

SEC. 8. In all courts having authority to hear, try, or determine any matter or cause arising under the ordinances of said city, and in all proceedings in such city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions, and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations, or ordinances of said city, or any resolution adopted by the council thereof, the same may be read in all courts of justice and in all proceedings; *first*, from a record thereof kept by the city clerk; *second*, from a copy thereof, or of such record thereof, certified by the city clerk, under the seal of the city; *third*, from any volume of ordinances purporting to have been written or printed by authority of the council.

CHAPTER IX.

ENFORCEMENT OF ORDINANCES.

SECTION 1. Prosecutions for violations of the ordinances of the city shall be commenced within two years after the commission of the offense; and shall be brought within the city, or in the county of Mackinac.

SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid.

**Actions to be
commenced by
summons.**

SEC. 3. Such action shall be brought in the name of the city, and it shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the cause, shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels can be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action.

**Suits commenced
by warrant.**

SEC. 4. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender.

Form of warrant.

SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be, to the provisions of law regulating the proceedings in criminal causes cognizable by justices of the peace.

**Rendition of
judgment.**

SEC. 6. If the accused shall be convicted, the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.

**Execution of
judgment.**

SEC. 7. Every such judgment shall be executed by virtue of an execution or warrant, specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If the judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case until the expiration of the sentence,

unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

Sec. 8. Said city shall be allowed the use of the jail of the county of Mackinac for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to, and committed to imprisonment, in such county jail or in the city prison, or other place of confinement provided by the city, or authorized by the ordinances of the city, and the sheriff or other keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

Sec. 9. All process issued in any prosecution or proceeding, for the violation of any ordinance of the city, shall be directed to the city marshal, or to any constable of the city or county, and may be executed in any part of the State, by said officers or any other officer authorized by law to serve process issued by justices of the peace.

Sec. 10. It shall not be necessary in any suit, proceeding, or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provisions thereof, in any complaint, warrant, process, or pleading therein; but the same shall be deemed sufficiently set forth or stated, by reciting its title and the date of its passage or approval, and it shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval, and every court or magistrate, having authority to hear or determine the cause, shall take judicial notice of the enactment, existence, and provisions of the ordinances of the city, and the resolutions of the council, and of the authority of the city to enact the same.

Sec. 11. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except where other provision is made, shall consist of six persons; and in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates. No inhabitant shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.

Sec. 12. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county of Mackinac, by appeal or writ of *certiorari*; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court shall be the same as an appeal and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a

Bond.

party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings by *certiorari* into the circuit court; and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given as in cases of appeal and *certiorari* in civil causes tried before justices of the peace, except that the city shall not be required to give any bond or security thereon. The circuit court to which the cause shall be appealed or removed by *certiorari* shall also take judicial notice of the ordinances of the city, and the resolutions of the council, and of the provisions thereof.

**Fines receivable,
by whom.**

SEC. 13. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury, except such fines as by the constitution are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

**Neglect to
pay fines.**

SEC. 14. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving any such fine, who shall willfully neglect or refuse to pay over the same, as required by the foregoing provisions, shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

Penalty for.

SEC. 15. Fines paid into the city treasury, for violations of ordinances of the city, shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city.

**Disposition
of fines.**

SEC. 16. The circuit court of the county of Mackinac shall have jurisdiction to hear, try, and determine all cases arising under the ordinances of the city for violations thereof, when the fine or forfeiture imposed shall exceed two hundred dollars, or where the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in all such cases shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of the criminal laws of the State, and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties, shall apply.

**Justices to have
concurrent
jurisdiction.**

SEC. 17. The justices of the peace of the city shall have concurrent jurisdiction in all cases mentioned in the preceding section; but they shall not render judgment for more than two hundred

dollars of the penalty or forfeiture imposed by any ordinance for the violation thereof; nor shall they sentence to imprisonment for a longer period than ninety days.

SEC. 18. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the city, the court may require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted.

CHAPTER X.

GENERAL POWERS.

SECTION 1. The city shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, viz.:

First, To restrain and prevent vice and immorality; gambling, noise and disturbance, indecent or disorderly conduct, or assemblies, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Second, To apprehend and punish vagrants, drunkards, disorderly persons, and common prostitutes;

Third, To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same; and generally to determine and declare what shall be deemed nuisances;

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

Fifth, To regulate, license, or prohibit and suppress billiard tables, nine or ten-pin alleys or tables, and ball alleys, and to punish the keepers thereof;

Sixth, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

Seventh, To regulate, prohibit, and suppress ale, beer, and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof; and to require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe;

Eighth, To prohibit and prevent the selling or giving of any spirituous, fermented, or intoxicating liquors to any drunkard or intemperate person, minor, or apprentice, and to punish any person so doing;

- Show[s], sports, etc.** *Ninth*, To regulate, restrain, and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received ; lectures on historic, literary, or scientific subjects excepted ;
- Sabbath.** *Tenth*, To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation, or society, or other public meeting assembled for any lawful purpose, and to require all places of business to be closed on the Sabbath day ;
- Auctions.** *Eleventh*, To license auctioneers, auctions, and sales at auction, to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city ; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public buildings, [biddings] or offers by the buyers or sellers, after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid by and to auctioneers ; but no license shall be required in case of sales required by law to be made at auction or public vendue ;
- Peddlers.** *Twelfth*, To license hawkers, peddlers, and pawnbrokers, and hawking and peddling ; and to regulate, license, or prohibit the sale or peddling of goods, wares, merchandise, refreshments, or any kind of property, or thing, by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, trading dock, boat, vessel, or other device in the streets, highways, or in open places or spaces, public grounds, or buildings in the city or waters adjacent thereto ;
- Taverns, etc.** *Thirteenth*, To regulate and license all taverns and houses of public entertainment ; all saloons, restaurants, and eating houses ;
- Public vehicles.** *Fourteenth*, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire in the city ;
- Inspection of provisions.** *Fifteenth*, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat, and other provisions ;
- Brick, lumber, etc.** *Sixteenth*, To regulate the inspection, weighing, and measuring of brick, lumber, firewood, coal, hay, and any article of merchandise ;
- Weights and measures.** *Seventeenth*, To provide for the inspection and sealing of weights and measures ;
- Idem.** *Eighteenth*, To enforce the keeping and use of proper weights and measures by vendors ;
- Vaults, chimneys, sewers, etc.** *Nineteenth*, To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, sewers, and gutters ;
- Indecent exposure and obscenity.** *Twenty-first*, To prohibit and prevent, in the streets, or elsewhere in said city, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind ;
- Bathing.** *Twenty-first*, To regulate or prohibit bathing in the ponds, and waters of the city ;

Twenty-second, To compel the owners [owner] or occupant of ^{Nauseous, offensive, and un-} any grocery, tallow-chandler shop, soap or candle factory, butcher ^{wholesome} ^{Places.} shop or stall, slaughter-house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove, or abate the same, whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of said city;

Twenty-third, To regulate the keeping, selling, and using of gun- ^{Gunpowder, etc.} powder, fire-crackers, and fire-works, and other combustible materials, and the exhibition of fire-works, and the discharge of firearms, and to restrain the making or lighting of fires in the streets, and other open spaces in the city;

Twenty-fourth, To direct and regulate the construction of cel- ^{Draughts, cel-} lars, slips, barns, private drains, sinks, and privies; to compel the ^{lars, etc.} owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink, or privy thereon;

Twenty-fifth, To prohibit, prevent, and suppress mock auctions ^{Mock auctions.} and every kind of fraudulent game, device, or practice, and to punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof;

Twenty-sixth, To prohibit, prevent, and suppress all lotteries ^{Lotteries.} for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing, or managing the same;

Twenty-seventh, To license and regulate solicitors for passengers ^{Hackmen, runners, etc.} or for baggage for any hotel, tavern, public house, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every description, employed for hire, and to fix and regulate the amounts and rates of their compensation;

Twenty-eighth, To provide for the protection and care of paupers, ^{Paupers.} and to prohibit and prevent all persons from bringing to the city from any other place any pauper or other person likely to become a charge upon said city, and to punish therefor;

Twenty-ninth, To provide for taking a census of the inhabitants ^{Census.} of the city whenever the council shall see fit, and to direct and regulate the same;

Thirtieth, and further: The council shall have authority to enact ^{General authority to enact ordinances.} all ordinances and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order, and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation, or for any purpose whatever.

SEC. 2. The council may prescribe the terms and conditions ^{Licenses.} upon which licenses may be granted, and may exact and require

Bond of licensee. payment of such sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revocable by the council at pleasure, and when any license shall be revoked for non-compliance with the terms and conditions upon which it is [was] granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

Penalty for failure to procure. SEC. 3. The council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

Disposition of license money. SEC. 4. All sums received for licenses granted for any purpose, by the city, or under its authority, shall be paid into the city treasury to the credit of the general fund.

Crossing of streets, etc., by railroads. SEC. 5. The council of said city shall have authority to permit any railroad company to lay its track and operate its road with steam locomotives in or across the public streets, highways, or alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe.

Grade of streets. SEC. 6. The council shall have power to provide for and change the location and grade of street crossings of any railroad track, and to compel any railroad company to raise or lower their railroad track to conform to street grades which may be established by the city from time to time; and to construct crossings in such manner and with such protection to persons crossing thereat, as the council may require; and to keep them in repair; to regulate and prescribe the speed of all locomotives and railroad trains within the city; but such speed shall not be required to be less than four miles per hour; and to impose a fine of not less than five or [nor] more than fifty dollars upon the company, and upon any engineer or conductor violating any ordinance regulating the speed of trains.

Item. SEC. 7. The council shall have power to require and compel any railroad company, and any street railway company, to make, keep open and in repair, such ditches, drains, sewers, and culverts along and under or across their railroad tracks as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct; and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company shall neglect to perform any such requirement according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the com-

pany, in a civil action before any court having jurisdiction of the cause.

SEC. 8. The council is authorized to enact all such ordinances and laws as it may deem proper, relative to the building, re-build^{Partition fences, etc.}, maintaining, and repairing of partition fences by the owners and occupants of adjoining lots, enclosures, and parcels of land in said city; and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of such partition fence [fences] to be maintained by them respectively; and may provide for the recording of such assignments, and divisions, when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence-viewers, and prescribe their duties and mode of proceeding in all cases relating to partition fences in said city.

SEC. 9. The council of said city may make such provisions as support of poor. they shall deem expedient for the support and relief of poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of a director of the poor, for the city, and may prescribe his duties and vest him with such authority as may be proper for the due exercise of his duties.

CHAPTER XI.

POLICE.

SECTION 1. The council of the city may provide, by ordinance, ^{Appointment of} for a police force, and for the appointment by the council, of such number of policemen and night watchmen as they may think necessary for the good government of the city, and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time, when in his judgment, the emergency or necessity may so require; and may provide for and appoint subordinate officers for the police, and night watchmen.

SEC. 2. The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and night watchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredation. And the mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergency of the case may require; but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days.

SEC. 3. The city marshal, subject to the direction of the mayor, ^{Marshal chief of police.} shall, as chief of police, have the superintendence and direction of

the policemen and night watchmen, subject to such regulations as may be prescribed by the council.

Powers and duties of policemen.

SEC. 4. It shall be the duty of the police and night watchmen and officers of the force, under the direction of the mayor and chief of police, and in conformity with the ordinance of the city, to suppress all riots, disturbances, and breaches of the peace; and to pursue and arrest any person fleeing from justice, in any part of the State, to apprehend any and all persons in the act of committing any offense against the laws of the State, or the ordinances of the city, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaints to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the State; and at all times diligently and faithfully to enforce all such laws, ordinances, and regulations for the preservation of good order and the public welfare as the council may ordain; and to serve all process directed or delivered to them for service, and for such purposes the chief of police and every policeman and night watchman shall have all the powers of constables, and may arrest on view and without process, any person in the act of violating any ordinance of the city or of committing any crime against the laws of the State. And the chief of police and any policeman may serve and execute all process in suits and proceedings for violations of the ordinances of the city, and also any other process which, by law, a constable may serve.

Fees of.

SEC. 5. When employed in the service of process, policemen shall receive the same fees therefor as are allowed to constables for like services; when otherwise engaged in the performance of police duty they shall receive such compensation therefor from the city as the council may prescribe. Every policeman shall report on oath to the council, at its first meeting in every month, the amount of all moneys and fees received by him for services as policeman since his last preceding report, and the names of the persons from whom received, and the amount received from each.

Suspension and removal from office.

SEC. 6. The mayor may suspend any policeman or night watchman for neglect of duty, misconduct, or other sufficient cause, and the council may remove from office any policeman appointed thereto at any time.

CHAPTER XII.

CITY PRISON.

Council to provide.

SECTION 1. The council of the city shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein.

Prisoners may be kept at hard labor.

SEC. 2. All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for non-payment of fines for violations of the ordinances of the

city, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

CHAPTER XIII.

PUBLIC HEALTH.

SECTION 1. The council of the city may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious, or contagious diseases, within the city, or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto, or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the city limits, or to such hospital or place of treatment within the city as the council may prescribe, or the public safety may require.

SEC. 2. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the city; and may require any person, corporation, or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice and within such time, and in such manner as the council may by ordinance or resolution direct.

SEC. 3. If any cellar, vault, lot, sewer, drain, place, or premises within the city shall be damp, unwholesome, offensive, or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, amended, or purified; or may require the owner or occupant, or person in charge of such lot, premises, or place, to perform such duty; and may require the owner or occupant of any building, fence, or structure which may be ruinous, or liable to fall and injure persons or property, to pull down or remove the same, or the council may cause the same to be done by the proper officers of the city.

SEC. 4. If any person, corporation, or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council, or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to be performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, corporation, or company. And in all cases where the city shall incur any expense for draining, filling, cleansing, or purifying any lot, place, or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same,

Provisions for the protection of.

Abatement of nuisances.

Cleaning unwholesome places.

Removal of dangerous structures.

Collection of expense by city.

or such part thereof as they shall deem proper, upon the lot or premises upon, or on account of which such expense was incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises, and collected as a special assessment.

Assignment of places for offensive or dangerous business.

SEC. 5. The council, when they shall deem it necessary, may from time to time assign by ordinance certain places within the city for the exercising of any trade or employment offensive to the inhabitants, or dangerous to the public health; and may forbid the exercise thereof in places not so assigned, and may change or revoke such assignment at pleasure; and wherever a business, carried on in any place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

Hospitals and dangerous diseases.

SEC. 6. The council may purchase the necessary lands, and erect thereon, or otherwise provide one or more hospitals, either within or without the city limits, and provide for the appointment of the necessary officers, attendants, or employés, for the care and management thereof, and for the care and treatment therein of such sick and diseased persons as to the council or board of health of the city shall seem proper; and by direction of the council or board of health persons having any malignant, infectious, or contagious disease may be removed to such hospital and there detained and treated when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

Council to have powers of board of health.

SEC. 7. The council of St. Ignace shall also have and exercise within and for the city, all the powers and authority conferred upon boards of health by chapter forty-six of the compiled laws of eighteen hundred and seventy-one, so far as the same are applicable and consistent with this act; and they may enact such ordinances as may be deemed proper for regulating the proceedings and mode of exercising such powers and authority.

Establishment and powers of board of health.

SEC. 8. The council, when deemed necessary, may establish a board of health for the city, and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the chapter of the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule, or regulation made by the board of health, or any officer thereof.

CHAPTER XIV.

CEMETERIES.

SECTION 1. The city of St. Ignace may acquire, hold, and own such cemetery or public burial place, or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city, in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

SEC. 2. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection, and care thereof.

SEC. 3. Whenever the city of St. Ignace shall own, purchase, or otherwise acquire any cemetery or cemetery grounds, the council shall appoint three trustees, who shall be freeholders and electors in the city, and who, with the city clerk, shall constitute a board of cemetery trustees. The three trustees so appointed shall hold their office [offices] for the term of three years, except that at the first appointment one shall be appointed for one year, one for two years, and one for the term of three years from the first Monday in May of the year when appointed, and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed, for inattention to his duties, want of proper judgment, skill, or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation.

SEC. 4. The board of cemetery trustees shall appoint one of their number chairman, and the city clerk shall be clerk of the board. And the council may, by ordinance, invest the board with such powers and authority as may be necessary for the care, management, and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof, and in addition to the duties herein mentioned the board shall perform such other duties as the council may prescribe.

SEC. 5. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds, cause such grounds to be laid out into lots, avenues, and walks; the lots to be numbered and the avenues and walks to be named, and plats thereof to be made and recorded in the office of the city clerk. The board shall fix the price of lots, and make the sale thereof. The conveyances of such lots shall be executed on behalf of the city by the city clerk, and be recorded in his office at the expense of the purchasers.

SEC. 6. Said board shall appoint the necessary superintendents and employés for the cemetery, expend the money provided for the care and improvement of the grounds, enforce the ordinances of

the city made for the management and care thereof, and make such regulations for the burial of the dead, the care and protection of the grounds, monuments, and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds as may be consistent with the ordinances of the city and the laws of the State.

Cemetery fund. SEC. 7. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose, except the

Monthly report. purposes of such cemetery. The board of trustees shall report to [the] council annually on the first Monday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source and from whom, and the date, amount, items, and purpose of all expenditures and liabilities incurred and to whom paid, and to whom incurred; and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

General authority over cemeteries. SEC. 8. The council of said city, owning a public burial ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control or regulate such cemetery or burial place, and the improvements thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board of cemetery trustees.

Church cemeteries. SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to, or under the control of, any church, religious society, corporation, company or association, and for the protection and preservation of the tombs, monuments, and improvements thereof, and the appurtenances thereto.

CHAPTER XV.

POUNDS.

Maintenance of pounds and appointment of pound master. SECTION 1. The council may provide and maintain one or more pounds within the city, and may appoint pound-masters, prescribe their powers and duties, and fix their compensation, and may authorize the impounding of all beasts, geese, and other fowls found in the streets or otherwise at large, contrary to any ordinance of the city; and if there shall be no pound or pound-master, they may provide for the impounding of such beasts, geese, and fowls, by the city marshal, in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of pound master.

Fees and penalties. SEC. 2. The council may also prescribe the fees for impounding, and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the beasts, geese, or fowls impounded; and may authorize the sale of such beasts, geese, and

fowls, for the payment of such fees, expenses, and charges and for penalties incurred, and may impose penalties for rescuing any beasts [beast] or thing impounded.

CHAPTER XVI.

MARKETS.

SECTION 1. The council of the city shall have the power to erect market-houses, establish and regulate markets and market places for the sale of meats, fish, vegetables, and other provisions and articles necessary to the sustenance, convenience, and comfort of the inhabitants; to prescribe the times for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the vendors.

SEC. 2. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets; and may authorize the immediate seizure, arrest, and removal from the market, of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats, or other provisions exposed for sale therein.

CHAPTER XVII.

PUBLIC BUILDINGS, GROUNDS, AND PARKS.

SECTION 1. The city may acquire, purchase, and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary or convenient for the public good, and the execution of the powers conferred in this act; and such buildings and grounds, or any part thereof, may be sold, leased, mortgaged, and disposed of as occasion may require.

SEC. 2. When the council shall deem it for the public interest, grounds and buildings for city prison [prisons], work-houses, hospitals, pest houses, cemeteries, water-works, and other necessary public uses may be purchased, erected, and maintained beyond the corporate limits of the city, and in such cases the council shall have authority to enforce beyond the city limits, and over such lands, buildings, and property, in the same manner, and to the same extent, as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, work-houses, or hospitals.

SEC. 3. The council shall have authority to lay out, establish, and enlarge, or vacate and discontinue public grounds and parks within the city, and to improve, light, and ornament the same, and to regulate the care thereof, and to protect the same, and the appurtenances thereof, from obstructions, encroachments, and injury, and from all nuisances.

Erection and regulation of.

Prevention of fraud and preservation of order.

Hospitals, pest houses, water-works, etc.

Parks.

CHAPTER XVIII.

SEWERS, DRAINS, AND WATER-COURSES.

Establishment, construction, etc. SECTION 1. The council of the city may establish, construct, and maintain sewers and drains, whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds.

Sewer commissioners. SEC. 2. If the council shall deem it expedient, they may establish a board of sewer commissioners for the city, consisting of not less than three nor more than five persons, to have the management of the sewers and the charge of their construction; and may by ordinance prescribe their powers, compensation, terms of office and duties.

Plans for drainage. SEC. 3. Whenever it may become necessary, in the opinion of the council, to provide sewerage and drainage for the city, or any part thereof, it shall be their duty to devise, or cause a plan of drainage to be devised, for the whole city, or for such part thereof as they shall determine.

Main sewer districts. SEC. 4. Such plan shall, in the discretion of the council, be formed with a view of the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches or connections, the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan, when adopted, shall be filed in the office of the city clerk.

Special sewer districts. SEC. 5. Main sewer districts may be subdivided into special sewer districts, in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer, and such lands as in the opinion of the council will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch sewers, and such lands as in the opinion of the council will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

Trunk sewers. SEC. 6. The council may, however, provide for main or trunk sewers without reference to sewer districts, diagrams or plats of which shall be recorded in the office of the city clerk, in the book of sewer records.

Payment for sewers. SEC. 7. The cost and expenses of establishing and making any main or trunk sewers, constructed without reference to sewer districts, shall be paid out of the general fund. Such part as the council shall determine, being not less than one-sixth of the cost and expense of any main district sewer, or of the cost of any lateral branch, or local sewer constructed within a special sewer district, shall be paid from the general fund, and the remainder of such cost and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special

sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits as aforesaid shall be made without reference to any improvements or buildings upon the lands.

SEC. 8. Before proceeding to the construction of any district sewer, the council shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lands, lots, and subdivisions thereof, in the district, and the proposed route and location of the sewer, and the depth, grade, and dimensions thereof, and shall procure an estimate of the cost thereof. And they shall give notice, by publication of [for] at least two weeks, in one of the newspapers of the city, of the intention to construct such sewer, and where said diagram and plat may be found for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested, and with respect to such sewer.

SEC. 9. When the council shall determine to construct any such district sewer, they shall so declare by resolution, designating the district and describing, by reference to the plat and diagram thereof mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general fund, and what part shall be defrayed by special assessment, according to benefits; and they shall cause such plat and diagram as adopted to be recorded in the office of the city clerk, in the book of sewer records.

SEC. 10. Special assessment for the construction of sewers shall be made by the board of assessors in the manner provided in this act for making special assessments.

SEC. 11. When the owners of a majority of the lands, in value as indicated by the last preceding assessment roll, liable to taxation in any sewer district, or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location; and if the lands including the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

SEC. 12. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises, and to keep such private drains in repair, and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirements [requirement], the council may cause the work to be done at the expense of such owner or occupant and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

SEC. 13. The owners or occupants of lots and premises shall have

Connection with public sewer. the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the council shall prescribe.

Annual payment for. SEC. 14. The council may charge and collect annually, from persons whose premises are connected by private drains with the public sewers, such reasonable sums [sum], not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.

Special assessment for ditches. SEC. 15. Such part of the expenses of providing ditches, and improving water-courses as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

Repairing and reconstructing. SEC. 16. The expenses of repairing public sewers, ditches, and water-courses may be paid from the general fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Protection and control of. SEC. 17. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city.

CHAPTER XIX.

STREETS AND PUBLIC GROUNDS.

Control and repair of. SECTION 1. The council shall have supervision and control of all public highways, streets, avenues, alleys, sidewalks, and public grounds within the city, and shall cause the same to be kept in repair, and free from nuisance.

Care of streets not accepted by council. SEC. 2. But the city shall not be responsible for the care, improvement, or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands, which has not been actually accepted, worked, and used by the public as a street or alley before the incorporation of the city under this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after such incorporation, unless the dedication shall be accepted and confirmed by the council by an ordinance specially passed for that purpose.

Laying out, altering, or vacating streets. SEC. 3. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate, or abolish any highway, street, or alley in the city, whenever they shall deem the same a public improvement; and if, in so doing, it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement, except the amounts paid for private property taken for public streets, may be paid by special assessments upon the property adjacent to, or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments; or, in the discretion of the council,

a portion of such costs and expenses may be paid by special assessments, as aforesaid, and the balance from the general street fund.

SEC. 4. When the council shall deem it advisable to vacate, dis- Vacating streets,
continue, or abolish any street, alley, or public ground, or any part etc.
thereof, they shall by resolution so declare, and in the same resolution shall appoint a time, not less than four weeks thereafter, when they will meet and hear objections thereto; notice of such meeting, with a copy of said resolution, shall be published for not less than four weeks before the time appointed for such meeting, in one of the newspapers of the city. Objections to such proposed action of the council may be filed with the city clerk, in writing, and if any such shall be filed, the street, alley, or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.

SEC. 5. The council may cause all public streets, alleys and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the city clerk, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys, and public grounds opened, laid out, altered, extended, or accepted and confirmed by the council, to be recorded in like manner; and such record shall be *prima facie* evidence of the existence of such streets, alleys, or public grounds as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley, or public ground, shall also be recorded in said book of street records, and the records shall be *prima facie* evidence of all the matters therein set forth.

SEC. 6. The council shall have authority to determine and establish the grades of all streets, avenues, alleys, and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon such streets, alleys, or grounds to be made and constructed in conformity with such grade, and the council may change or alter the grade of any street, alley, or public ground, or of any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the city clerk.

SEC. 7. Whenever any street, alley, or public highway shall have been graded, or pavement shall have been constructed in conformity to grades established by authority of the city, and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley, or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley, or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.

SEC. 8. If any damage shall result to any owner by a change of Damages for
the established grade of any street, alley, sidewalk, or landing, the change of grade.

council may, in their discretion, levy and collect the amount thereof by special assessment upon the lots benefited thereby, and therewith pay the same; but the city shall incur no liability by reason of anything in this section contained.

STREET REGULATIONS.

Obstructions and encroachments.

SEC. 9. The council shall have power to prohibit and prevent obstructions and incumbrances in and encroachments upon the public highways, streets, and alleys of the city, and to remove the same; and to punish those who shall obstruct, encumber, encroach, or maintain any encroachments upon or in any such highway, street, or alley; and to require all such persons to remove every such obstruction, incumbrance, and encroachment.

Shade trees.

SEC. 10. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets, and avenues of the city and for the protection thereof; and may light the streets and public places and regulate the setting of lamps and lamp-posts therein, and protect the same.

Digging in streets for laying pipe, etc.

SEC. 11. The council may regulate the making of all openings in and removals of the soil of public streets, for the laying or repair of sewers, drains, tunnels, gas-pipes, water-pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of the soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe.

Regulations as to use of stands for vehicles.
Wood and hay market.

SEC. 12. The council may regulate the use of the public highways, streets, avenues, and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stand [stands] for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay, and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks;

Signs.
Telegraph poles.

to regulate or prohibit the display, use, or placing of signs, advertisements, and banners, awnings, posts, and telegraph poles in or over the streets; to prohibit immoderate riding and driving in the streets; to regulate or prohibit all such sports, amusements, proceedings, and gathering [gatherings] of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage

Crowds.
Animals running at large.

therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese, and other domestic animals or fowls in the street, or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same, and to require and authorize the destruction of dogs found

Dogs.

at large contrary to the ordinances of the city; to cleanse and purify the streets, and to prohibit, prevent, remove, and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them; and generally to prescribe and enforce all such police regulations over and in respect

Cleaning streets, etc.
General powers of council.

to the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers

herein granted, the council shall have the same authority and powers over and in respects to the public streets of the city as [are] conferred by law upon highway commissioners in townships.

CHAPTER XX.

SIDEWALKS.

SECTION 1. The city council shall have control of all sidewalks in the public streets and alleys of the city, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to construct and maintain sidewalks in the public streets and alleys, and charge the expense thereof upon the lots and premises adjacent to and abutting upon such walks.

SEC. 2. The council shall also have authority to require the owners and occupants of lots and premises to construct and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, material, and manner of construction, and within such time as the council shall by ordinance or resolution prescribe.

SEC. 3. The council shall also have power to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lots [lot] and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth, and other nuisances.

SEC. 4. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk, as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or to remove the snow, ice, and filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances, or other nuisances, or shall fail to perform any other duty required by the council, in respect to such sidewalks, within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the amount of [all] expenses incurred by the council thereby shall be levied as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk.

SEC. 5. The council shall have power to regulate and prohibit the placing of signs, awnings, awning-posts, and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures, and excavations under the same, and to prohibit and prevent obstructions, incumbrances, or other nuisances upon the walk.

SEC. 6. If any owner, occupant, or person in charge of any lot or premises shall neglect to repair any sidewalk, in front of or adjacent to such premises, or to remove any snow or ice therefrom, or to keep the same free from obstructions and incumbrances, in accordance with the requirements of the ordinances and regulations of the council, he shall be liable to the city for the amount of all damages which shall be recovered against the city for any accident or injury occurring by reason of such neglect.

CHAPTER XXI.

SPECIAL ASSESSMENTS.

~~Common council
may assess cost of
improvements
against owners
or occupants, etc.~~

SECTION 1. The common council, a majority of the members elect concurring, shall have power to cause the expense of making, grading, and opening of streets, sidewalks, parks, public grounds, and other local improvements, to be assessed in whole or in part against the owners or occupants of lots and premises to be benefited thereby, or by general tax, in whole or in part, as they may deem just and proper; and they shall have power to cause the expense of paving any street or streets, and of opening and paving lanes and alleys, and the damages assessed for laying out said lanes and alleys, to be assessed upon the premises adjoining and to be benefited thereby, and upon such premises only.

~~Estimates, etc.,
of cost and
apportionment of
expense of~~

SEC. 2. Whenever the common council shall determine that the whole, or any part of the expense of any public improvement, shall be defrayed by an assessment on the owners or occupants of houses and lands to be benefited thereby, they shall ascertain, as they may think proper, the estimated expense of such improvement done, or to be done, and shall declare by an entry in their minutes, whether the whole, or what portion thereof, shall be assessed to such owners or occupants, specifying the sum to be assessed, and the portion of the city which they deem to be benefited by such improvement; and the costs and expenses of making the plans and assessments incidental thereto shall be included in the estimated expenses of such improvement.

~~Special assess-
ment.~~

SEC. 3. The common council, or a committee appointed by them for that purpose, consisting of not less than three freeholders of said city, and not interested in any of the property so benefited, shall thereupon make an assessment upon all the owners or occupants of lands and houses within the portion or part of the city so designated, of the amount of the expenses aforesaid, in proportion, as nearly as may be, to the advantage which each shall be deemed to acquire by such improvement [improvements], and shall make out an assessment roll, in which shall be entered the names of the persons assessed, the valuation of the property for which they are assessed and the amount assessed to each of them respectively; and in case such lots, or parts of lots, shall belong to a non-resident, or the owner or owners are unknown, the same shall be entered accordingly with a description of such lots or premises as is required by law in assessment rolls made by supervisors of townships, with the value thereof, and the amount assessed therein, which assessment roll shall then be returned and filed with the clerk of said city.

~~Notice of meet-
ing to review
assessment roll.~~

SEC. 4. Upon such return being made and filed, the clerk of said city shall cause notice thereof to be published in one or more papers of said city, stating the names of the persons assessed or, in cases of non-residents and owners whose names are unknown, a brief description of the premises taxed shall be inserted and that at a certain time and place, to be designated in said notice, the common council will meet and review said assessment roll on the request of any person conceiving himself aggrieved.

SEC. 5. The common council shall, at the time and place in said notice specified, or at some session thereafter, take said assessment into consideration, and may rectify or amend said assessment [roll], in whole or in part, or may set the same aside and direct a new assessment, or they may ratify and confirm such assessment without any correction, or with such corrections therein as they may think proper; and when such assessment roll shall be completed, and ratified and confirmed by the council, a majority of the members elect concurring, the clerk shall endorse thereon or annex thereto his certificate that such assessment roll was ratified and confirmed by the common council, and the date of such confirmation.

Correction,
amendment, and
confirmation of
assessment roll,
etc.

SEC. 6. Every assessment so ratified and confirmed by the common council, as aforesaid, shall be final and conclusive, and the same shall remain and continue a lien upon the premises assessed for such tax. Within ten days after such assessment shall have been ratified and confirmed, the mayor and clerk, or either of them, shall affix to such assessment and tax roll a warrant for the collection thereof, signed by him or them, under the seal of said city, which warrant shall be directed to the treasurer of said city, commanding him to collect the same within a time in said warrant to be specified, not less than thirty nor more than ninety days from the date of said warrant; and the said assessment and tax roll, with said warrant annexed, shall be delivered to said treasurer within the ten days aforesaid, who shall, within the time mentioned, in said warrant, or within such further time as the common council shall allow, be authorized to levy and collect the same by distress and sale of the personal property of any person chargeable with said tax; and in case sufficient personal property cannot be found whereon to levy and collect such tax, the treasurer shall, within five days after the time prescribed and limited for the collection [thereof] has expired, make a return, under oath, to the clerk, of the sums so remaining unpaid, which he was unable, for the want of such personal property, to levy and collect the same, together with a description of the premises assessed for such unpaid taxes; and the clerk shall, within ten days thereafter, certify under his hand, to the supervisor of the ward in which such improvement is situated, the amount of such unpaid taxes, and a description of the premises assessed and chargeable with such tax, who shall assess such unpaid taxes on such premises in the general tax roll next thereafter to be made; and such tax shall then be levied, collected, and returned, and the said premises may be sold for the non-payment thereof, as prescribed by law for the non-payment of the ordinary city taxes: *Provided however,* That no local improvement, as provided in this chapter, shall be made except upon petition to the common council therefor, by the owners of at least three-fourths in value of the property to be benefited by such improvement.

When confirmed
to be conclusive;
etc.

Warrant to be
attached.

Roll and warrant
to be delivered to
treasurer.

Collection of
special assess-
ment.

Special assess-
ment unpaid to
be assessed in
next general
tax roll.

Proviso.

SEC. 7. The common council, a majority of the members elect concurring, shall have power to make all such by-laws and ordinances, relative to any special assessment or tax in said city, as they may deem necessary to levy and collect such tax, in all cases when

Common council
may make ordi-
nances in refer-
ence to special
assessments, etc.

Provviso. the manner of levying and collecting such tax is not provided for in this act: *Provided*, That such by-laws and ordinances are not inconsistent with any of the provisions of this act: *And provided further proviso. also*, That whenever any person shall be improperly designated as the owner or occupant of any lot or premises, in proceedings under this act, or any of the by-laws and ordinances of said city relative to any special assessment, such tax or assessment shall not for that cause be vitiated, but the same shall be a lien upon such lot or premises, and [as] such lien shall be collected, as in other cases.

CHAPTER XXII.

APPROPRIATIONS [APPROPRIATION] OF PRIVATE PROPERTY.

Purposes for which private property may be appropriated. SECTION 1. Private property may be appropriated for public use in the city: for the purpose of opening, widening, altering, and extending streets, alleys, and avenues; for the construction of bridges; for buildings and structures of the fire department; for public grounds, parks, market places, and spaces; for sewers, drains, and ditches; for water works, and for necessary public buildings, hospitals, pest houses, and public cemeteries. But such property shall not be taken therefor without the consent of the owner, unless the necessity for using the same, and the just compensation to be made therefor, shall be determined by a jury of twelve freeholders, residing in the city; nor shall any improvement, requiring the taking of private property, be made, except with the concurrence of two-thirds of all the aldermen elected to office.

Manner of acquiring.

The council may, however, acquire such property by negotiation and purchase.

By purchase.

SEC. 2. When the council shall deem it necessary to make any public improvement, requiring the taking or using of private property not acquired by purchase, they shall so declare by resolution, describing the proposed improvement, and each parcel of land designed to be taken by metes and bounds, giving the names of the owners or persons interested therein, so far as known; and shall, in the same resolution, designate a justice of the peace of the city to whom an application will be made, at the time therein to be stated, for the impaneling of a jury to ascertain the necessity of using said land, and the just compensation to be made therefor.

Notice of application for jury.

SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice of the peace, and notice of the time and place of making said application, including a copy of said resolution, shall be given by publishing the same for three weeks in one of the newspapers [of the city], the first publication of which shall be at least thirty days before the time fixed for the application, and a copy of said notice and resolutions shall be served personally by the city marshal, or the sheriff of the county, at least two weeks before the time of [for] said application, upon each owner and person interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found in the city, or elsewhere, in the county; and if any such guardian, owner, or person interested in the premises, shall not be found within the

Service of copy of notice.

city or county, a copy of said notice and resolution shall be posted upon the premises, to be taken the same length of time before making the same application. A return by the sheriff, or city marshal, of the service of [or] posting of copies of said notice and resolution, which return shall be conclusive as to the matters therein stated, and an affidavit of the publication of said notice and resolutions shall be filed with said justice, before, or at the time of making said application, and after the publication and service of posting of said notice as aforesaid, the owners and all persons interested in any of the lands sought to be taken for said improvement, shall take notice of, and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided.

SEC. 4. At the time appointed therefor in said notice and resolution, or at such other time as the proceedings shall be adjourned to by said justice, he shall, upon the application of the city attorney, cause the city marshal, or sheriff of the county, to make a list of the names of twenty-four disinterested freeholders, residing in said city, competent to serve as jurors. From said list the city attorney shall strike off six names, and the owner or owners and persons interested in said lands shall strike off six names, or, upon their failing to do so, the justice shall strike off such names for him or them and thereupon the said justice shall issue a *venire*, directed to the city marshal, or sheriff of the county, to summon the twelve persons whose names remain upon said list, to appear before said justice, at a time and place in said *venire* to be named, not less than three nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution; and shall then adjourn the further proceedings in the matter to the return day of said *venire*. Said *venire* shall be served by the city marshal, or sheriff, as in other cases of *venire*. Said jurors shall be liable for non-attendance the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in those courts.

SEC. 5. At the time of making the application to the justice for empanelling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian appointed under the laws of this State; but if there should be no such guardian, or if no such guardian shall appear to represent such infant, or incompetent person, the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem*, to protect the interest of the person for whom he is so appointed.

SEC. 6. If upon the return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the justice shall require the marshal or sheriff to summon immediately a sufficient number of other competent freeholders of the city, until a panel of twelve qualified jurors shall be obtained. Each party, and every person having an interest in any of the lands, shall have the right to challenge any juror for cause, and the justice shall determine as to

Oath. the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and if taken, to determine and award to each person entitled thereto the just compensation to be allowed for his or her interest in the land so taken.

*Copy of plat, etc.,
to be given Jury.* SEC. 7. When the jury shall have been sworn, the city attorney shall deliver to them a copy of said notice and resolution of the council and a map or plat of the proposed improvement, showing the location and boundaries of each parcel of land sought to be taken, and its position in relation to adjoining lands; and any person claiming an interest in any of the lands sought to be taken, although not named in said resolution as an owner or party interested, may then file with the justice a statement of his interest in, and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

Jury to examine premises. SEC. 8. The jury shall then, or at such other time as the justices shall direct, proceed to examine the premises sought to be acquired, and testimony may be produced before them under the direction of the court, as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing the testimony the justice shall instruct the jury as to the provisions of this chapter relating to their duties.

Determination and award by jury. SEC. 9. The jury shall consider upon each parcel of land described in the resolution of the council separately. If they shall find it necessary to take the same for the purpose of said improvement, they shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement; and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of land, as owners, mortgagees, lessees, or otherwise, they shall apportion to each such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate.

Report. SEC. 10. The jury shall make a report of their determinations and awards in writing. They shall describe therein, by metes and bounds, each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the whole amount of damages occasioned by taking the same, the amount deducted therefrom, if any, for special benefits resulting from the improvements to the remainder of the lot or premises from which the part appropriated is taken and the net amount awarded as damages and compensation therefor; the name of the owner and of any persons having separate claims thereon by mortgage, lease, or otherwise, to whom said damages are awarded, and the amount awarded to each at the date and the description of any mortgage, lease, or lien, by virtue of which such claim is made.

When conflicting claims are made to any damages awarded, the jury, without deciding between [the] claimants, shall report the fact, their names, and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the justice within ten days after the empaneling of the jury.

SEC. 11. The city attorney shall give such assistance to the jury ^{city attorney to assist} in making up their report as they may require. The justice shall enter said report, and all the proceedings had in the cause before ^{entry of report} him in his docket.

SEC. 12. A disagreement of the jury as to one or more distinct parcels of land shall not affect the awards and reports in which they have agreed; and, upon any such disagreement, the justice may, upon the motion of the city attorney, empanel a new jury in the same manner as provided for drawing the original jury, and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree; and a new jury may, in like manner, be had as often as necessary. If any juror during the course of the proceedings shall be unable to discharge his duties, the justice may appoint another in his place, who shall have the like qualifications, and be sworn and exercise the same duties as the other jurors of the panel. ^{Disagreement of jury.} ^{When juror unable to perform duties.}

SEC. 13. Upon filing the report and award made by any jury with said justice, a copy thereof may be taken by the city attorney for the use of the council; and at any time thereafter, and within forty days after the empaneling of the jury making the report, the justice, upon the application of the city council, shall enter judgment of confirmation of the determination and the awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and awards shall be at an end, and a new jury and a new proceedings may be had as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive ^{when not made within forty days.} ^{Judgment of confirmation.} ^{Judgment final.} as to all parties not appealing therefrom within the time prescribed in the next section.

SEC. 14. Any party aggrieved by the judgment of confirmation mentioned in the preceding section may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county by filing with the justice a claim of appeal in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded and at the same time filing with the justice a bond to the city in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal. ^{Appeal to circuit court.}

SEC. 15. At the time of filing said claim of appeal, the appellant

- Bill of exceptions.** shall present to the justice a statement, in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof, and of the claim of appeal, upon the city attorney, who may propose amendments to said bill. Within ten days after said bill is presented said justice shall, if necessary, cause the same to be corrected according to the facts of the case, and sign the same; and within ten days thereafter said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with the clerk of said circuit court.
- Corrections and filing of transcript by justice.**
- When cause may be remanded.** SEC. 16. Upon filing the return of the justice, as mentioned in the preceding section, the circuit court shall have jurisdiction of the case; and upon hearing thereof shall first consider the errors alleged in said claim of appeal, and if the proceedings are found invalid as to the party appealing on account thereof, the court shall remand the case, so far as effects the appellant, to said justice, and a new jury may be called and the like proceedings had, as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term, upon the question as to the amount of damages to be awarded; but the finding of the jury before the justice, as to the necessity of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.
- When proceed to trial.**
- Appeal of one person not to affect others.**
- Judgment.** SEC. 17. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and rights [right] of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him before the justice he shall pay costs to the city, otherwise court shall award such costs to him as shall be just.
- Costs.**
- Record and copies evidence of regularity, etc.** SEC. 18. Certified copies of any judgment of confirmation of the circuit court or of the justice of the peace, after the same has become final, and of the report of the jury thereby confirmed, and records of such copies made in the book of street record [records] in the office of the city clerk, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired and to confirm the same.
- Damages.** SEC. 19. Within six months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the justice shall become final, the council may pay or tender to the respective persons the several amounts of damage and compensa-

tion awarded to them, as finally confirmed; and in case any such person shall refuse the same, be unknown or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case, with a statement of the facts relating thereto, in the treasury of the city, to the credit of the person or persons entitled thereto, and the same shall be paid on demand to any person entitled to receive. No delay in making any award of damages, or in taking possession of any property, shall be occasioned by any doubt as to the ownership of the property, or as to the interest of the respective parties making claims thereto.

Sec. 20. Upon the payment, tender, or deposit, mentioned in the preceding section, the fee of the land sought to be taken, with appurtenances and the rights [right] to occupy the property sought to be used, shall vest in the city, and the council may convert and use the same. A certificate of the city treasurer of such payment, tender, or deposit, or a record of such certificate in the book of street records, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the city in the lands and property taken.

Sec. 21. In all cases where any real estate, subject to a lease or agreement, shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation in the circuit court, or upon the confirmation of the justice of the peace when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such parts.

CHAPTER XXIII.*

FINANCE AND TAXATION.

SECTION 1. The fiscal year shall commence on the third Monday ^{Fiscal year.} in March in each year, unless otherwise provided by ordinance.

Sec. 2. The council of the city shall have authority, within the ^{Raising money by taxation.} limitations herein prescribed, to raise annually by taxation, within the corporation, such sum of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers in this act granted.

Sec. 3. The revenues raised by general tax upon all the property ^{Funds.} in the city, or by loan to be repaid by such tax, shall be divided into the following general funds:

First, General fund, to defray the expenses of the fire department, of sewers, drains, ditches, and drainage, of reservoirs and cisterns, and providing other supplies of water, of public buildings, and the purchase of land therefor, and the repair of such public buildings, city hall, offices, prisons, watch houses, hospitals, as the council is authorized to erect and maintain, and not herein otherwise provided for, and also the expenses of the police of the city, and to defray expenses of the arrest and punishment of those violating the ordinances of the city, and to defray the contingent and

other expenses of the city, for the payment of which from some other fund no provision is made;

General street fund.

Second, General street fund, to defray the expenses of opening, widening, extending, altering, and vacating streets, alleys, and public grounds, and for grading, paving, curbing, graveling, and otherwise improving, repairing, and cleaning the streets, alleys, and public grounds of the city, and for the construction and repair of side-walks and cross-walks, and for the care thereof;

Cemetery fund.

Third, Cemetery fund ;

Other general funds.

Fourth, Such other general funds as the council may, from time to time constitute.

Amount may be raised by taxation.

SEC. 4. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city, for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section three of this chapter are constituted, exclusive of taxes for school and school house purposes, shall not, except as herein provided, exceed, in any one year, one per cent of the assessed value of all the real and personal property in the city made taxable by law.

Estimate of expenditures.

SEC. 5. It shall be the duty of the council to cause estimates to be made in the month of September, in each year, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, and for the paving of streets, the construction of sewers, making improvements, and for the support of police and fire departments, for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year.

Determination of amount to meet deficiencies, etc.

SEC. 6. The council shall also, in the same month, determine upon the amount required to be raised in the next general tax levy, to meet any deficiencies for the current year; also, the amount or part of any special assessment [assessments] which they require to be levied or reassessed in the next general tax rolls of the city upon lands in any main, sewer, or special assessment district, or upon any parcel of land, or against any particular person as a special assessment.

Annual appropriation bill.

SEC. 7. The council shall also, in said month of September, pass an ordinance to be termed the annual appropriation bill, in which they shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, payable from the several general funds, and from the street district funds, as estimated and determined upon, as provided in section five of this chapter, and order the same, or so much of such amounts as may be necessary, to be raised by tax with the next general tax levy, or by loan, or both, and to be paid into the several general funds, and street district funds of the city, but the whole amount so ordered to be raised by tax, or loan, or by both, shall not, except as herein otherwise provided, exceed

the amount which the city is authorized by section four of this chapter to raise by general tax during the year. The council shall specify in such ordinance the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds, and street district funds. The council shall also designate in the appropriation bill, the sums, if any, required to be levied to meet any deficiency for the current year, and the amount, or part, of any special assessment or other sum which they require to be levied or reassessed with the next general tax, as mentioned in section six of this chapter, and disposition to be made of such moneys; and shall also designate in said bill, any local improvements which they may deem advisable to make, during the next fiscal year, to be paid for in whole or in part by special assessments, and the estimated cost thereof.

SEC. 8. All sums ordered in the annual appropriation bill in any year, to be raised for the several general funds, and all amounts reported to the council by the board of education to be raised for schools, library, and school house purposes, shall be certified to the clerk of the board of supervisors of the county, on or before the first Monday of October, and all sums ordered in said bill to be levied or reassessed in street or sewer districts, or as special assessments, shall be certified at the same time to the supervisors of the respective wards; and all such sums shall be levied and collected with the State and county taxes next thereafter to be levied in the city.

All sums ordered
raised to be cer-
tified to clerk of
board of super-
visors.

SEC. 9. After the passage of the annual appropriation bill, no further sums shall be used, raised, or appropriated, nor shall any further liability be incurred for any purpose to be paid from any general fund or street district fund, during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority vote of the electors voting upon the proposition, at the next annual city election. But this section shall not prohibit the council from making any necessary repairs or expenditure at a cost not exceeding one thousand dollars, the necessity for which is caused by casualty or accident happening after making the annual appropriation for the year, and from loaning the money therefor.

When further
sums to be raised
after passage of
bill.

SEC. 10. No improvement, work, repairs, or expenses to be paid for out of any general fund, or street district fund, excepting as herein otherwise provided, shall be ordered, commenced, or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor, in the last preceding annual appropriation bill; nor shall any expenditure be made, or liability be incurred in any such year, for any such work, improvement, repairs, or for any purpose exceeding the appropriation so made therefor; nor shall any expenditure be made, or money be paid out of any general or street district fund, for any purpose, unless appropriated for that purpose in said bill.

Improvement
only made in
pursuance of
appropriation
bill.

SEC. 11. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner, in any year, for the

Loan for general
street fund.

Proviso.

purpose of the general and street fund, the council may, in its discretion, raise a part thereof by tax, and a part thereof by loan: *Provided*, That the aggregate amount of taxes and loans so raised and made, shall not exceed the amount for which a tax might be levied for the same year.

Loan for special assessments.

SEC. 12. The council shall [also] have authority to raise moneys by loans [loan] in anticipation of the receipts from special assessments, for the purpose of defraying the costs of the improvement for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

Raising money by vote of electors.

SEC. 13. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvements, or purposes to be paid for from the general funds of the city, than can be raised by the council, under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the electors of each ward, as hereinafter specified, voting upon the question at an annual or special city election. The amount that may be voted or raised in any year, under the provisions of this section, shall not exceed one and one-half per cent of the assessed valuation of the property in the city, as shown by the last preceding tax-rolls made therein.

Submitting question to vote.

SEC. 14. The proposition to raise such additional amount shall be submitted to a vote of the electors by an ordinance or resolution of the council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such ordinance or resolution shall be passed and published in one of the newspapers of the city, and copies thereof posted in five of the most public places in each ward of the city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

Notice.

SEC. 15. All moneys and taxes raised, loaned, or appropriated for the purpose [purposes] of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other; nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund, at the close of any fiscal year. In such case the surplus may be transferred to the sinking fund, should there be a deficiency in that fund, otherwise the council may apply such surplus as they shall deem proper. Moneys not received or appropriated for any particular fund, shall be credited to the general fund.

Surplus.

SEC. 16. No money shall be drawn from the treasury except in pursuance of the authority and appropriation of the council, and upon the warrant of the clerk, countersigned by the mayor. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund.

General fund.

SEC. 17. No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding, and previously incurred, and payable from such fund, are sufficient to exhaust it.

How money drawn from treasury.**Warrants not to be drawn after fund exhausted.**

SEC. 18. No loans shall be made by the council, or by its author-
ity, in any year, exceeding the amounts prescribed in this act. For
any loans lawfully made, the bonds of the city may be issued, bear-
ing a legal rate of interest. A record showing the dates, numbers,
and amounts of all bonds issued, and when due, shall be kept by
the city clerk. When deemed necessary by the council to extend
the time of payment, new bonds may [be] issued in place of former
bonds falling due, in such manner as merely to change, but not
increase the indebtedness of the city. Each bond shall show upon
its face the class of indebtedness to which it belongs, and from what
fund it is payable.

SEC. 19. Immediately upon the close of the fiscal year the council
shall audit and settle the accounts of the city treasurer, and other
officers of the city, and the accounts also, as far as practicable, of
all persons having claims against the city, or accounts with it not
previously audited; and shall make out a statement in detail of the
receipts and expenditures of the corporation during the preceding
year, which statement shall distinctly show the amount of all taxes
raised during the preceding year, for all purposes, and the amount
raised for each fund, the amount levied by special assessments, and
the amounts collected on each, and the amount of money borrowed,
and upon what time and terms, and for what purpose; also the
items and amounts received from other sources during the year,
and the objects thereof, classifying the expenditures for each purpose
separately. Said statement shall also show the amount and items
of all indebtedness outstanding against the city, and to whom
payable, and with what rate of interest; the amount of salary or
compensation paid or payable to each officer of the city for the year,
and such other information as shall be necessary to a full under-
standing of all the financial concerns of the city.

SEC. 20. Said statement signed by the mayor and clerk, shall ^{Auditing accounts at end of fiscal year.}
be filed in the office of the city clerk, and a copy thereof published ^{Statement filed and published.}
in one of the newspapers of the city, at least five days previous to
the next annual city election.

SEC. 21. If any officer of the corporation shall directly or
indirectly, appropriate or convert any of the moneys, securities,
evidences of value, or [any] property whatsoever, belonging to the
corporation or any board thereof, to his own use, or shall, directly
or indirectly, and knowingly, appropriate or convert the same to
any other purpose than that for which such moneys, securities,
evidences of value, or property may have been appropriated, raised,
or received, or to any purpose not authorized by law, he shall be
deemed guilty of willful and corrupt malfeasance in office, and ^{Appropriation of public money to private use prohibited.}
may be prosecuted, tried and convicted therefor, and, on convic-
tion, may be punished by fine, not exceeding one thousand dollars,
or by imprisonment in the State prison for a period [not] exceed-
ing three years, or both, in the discretion of the court.

SEC. 22. The common council shall have power to assess and ^{Poll tax.}
collect from every elector of said city, not exempt by the laws of
this State, an annual capitation, or poll-tax, not exceeding one
dollar, and they may provide by their by-laws for the collection of

Proviso. the same: *Provided*, That any person assessed for a poll-tax may pay the same by one day's labor upon the streets under the direction of the street commissioner, who shall give to each person so assessed, notice of the time and place when and where such labor will be required.

CHAPTER XXIV.

ASSESSMENT AND COLLECTION OF TAXES.

Assessment of property. SECTION 1. The supervisors of the city shall in each year make and complete an assessment of all the real and personal property within their respective wards liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the month of July, and in the same manner as required by law for the assessment of property in the townships of the State, and have the same completed on or before the first Monday in August; and in so doing they shall conform to the provisions of law governing the action of supervisors of townships performing like services, and in all other respects within their respective wards they shall, unless otherwise in this act provided, conform to the provisions of law applicable to the action and duties of supervisors in townships, in the assessment [assessments] of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof.

In case of false claim of exemption. SEC. 2. If any person residing in the city a part of the time during the year shall, in the opinion of any supervisor, unjustly or falsely claim exemption from taxation therein, on the ground that he or she has a residence, and is taxed or liable [to] taxation elsewhere than in said city, the supervisor shall, notwithstanding, assess such a person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the collector or officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property for the same year to such other collector or receiver of taxes.

Personal property. SEC. 3. All personal property found in any ward may be assessed therein whether the owner thereof resides in such ward or elsewhere. If there shall be any doubt as to the ward in which any person should be assessed for personal property belonging to such person, the board of review hereinafter mentioned may direct as to the ward in which the assessment shall be made, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for said property.

Equalization. SEC. 4. For the purpose of assessing all property equally in the whole city, the supervisors of the several wards shall meet and confer together from time to time while making their assessments, and equalize their valuation [valuations] in such manner as may be just.

Board of review. SEC. 5. The supervisors of the city, together with two freeholders

in each ward, to be appointed by the common council, on or before the first Monday in August, shall constitute a board of review, and the said board of review shall meet at the office of the city clerk, on the second Monday in August, and there proceed to review and correct the assessments made by the supervisors in the several wards: and for that purpose said board shall have the same powers and perform the same duties in all respects as the board of review of townships in reviewing and correcting assessments. Said board shall continue in session not less than two days for the purpose of completing such review. Notice of the time and place ^{Notice.} of the meeting of said board for the purpose aforesaid shall be given by the city clerk, by publication in one of the newspapers of the city at least one week before the time for the review.

SEC. 6. When the board shall have reviewed and corrected the assessment rolls of the several wards, they shall add their certificate to each roll, signed by at least a majority of them, showing that they have reviewed the roll, and within thirty days thereafter each supervisor shall deliver a certified copy of his assessment roll to the city clerk, to be filed in his office for the use of the council. The board of review shall have authority [to] equalize, alter, amend, and correct any assessment or valuation, and to place upon the assessment roll of the proper ward any taxable property, real or personal, not already assessed, held, or owned by any person or persons, and to strike from said roll any property wrongfully thereon. The concurrence of a majority of the board shall be sufficient to decide any question in altering or correcting any assessment.

SEC. 7. On or before the first Monday in October in each year the city clerk shall certify to the county clerk of the county of Mackinac the aggregate amount of all sums which the council require to be raised for the year for all city purposes and for schools, and library, and school-house purposes, by general taxation upon all the taxable property of the whole city.

SEC. 8. Said county clerk as clerk of the board of supervisors of the county, shall apportion the amount to be raised, as mentioned in the preceding section, among the several wards of the city, according to the valuation of the property appearing upon the assessment rolls of said several wards of the city for such year, as equalized by the board of review mentioned in section five, and certify to the supervisors of the several districts of said city for assessment therein, the amount so apportioned to their respective wards, giving the amount apportioned for school, and library, and school-house purposes in a separate sum, within five days after the board of supervisors of the county shall have completed [the] equalization of the valuation of the property in said city, and in the township [townships] of the county for the year. Said clerk of the board shall also certify to the city clerk the amounts apportioned to the several districts respectively, as aforesaid.

SEC. 9. On or before the first day of October in each year, the city clerk shall certify to the supervisor of each district, for assessment therein, all amounts which the council require to be assessed

<sup>Certificate of
board.</sup>

<sup>Further powers
of board.</sup>

<sup>Certificate of
amount to be
raised.</sup>

<sup>Apportionment
among the
wards.</sup>

<sup>Certificate to
supervisor of
amounts to be
raised.</sup>

or reassessed in any street, district, or main or special sewer district, or other special assessment district, or upon any parcel of land, or against any particular person, as a special assessment, or otherwise, within his district, together with a designation of the district, or description of the land, or person upon or within which the several sums are to be assessed, or reassessed, with such further descriptions and directions as will enable the supervisor to assess the several amounts upon the property and persons chargeable therewith.

Tax roll.

SEC. 10. Each supervisor, at the time of levying State and county taxes in his district for the year, shall levy in the same roll, upon all the taxable property in the ward the amounts certified to him by the clerk of the board of supervisors, as provided in section eight of this chapter, to be raised for city, school, and library purposes, placing the city taxes in one column, and the school, library, one-mill, and school-house taxes in another column, and he shall also levy in the same roll, upon the lands, property, and persons chargeable therewith, all special assessments and sums reported to him by the city clerk, as provided in section nine of this chapter, or in chapter twenty-one of this act, for assessment or reassessment, in street districts, main or special sewer districts, or for other special assessments, placing all such taxes in a column of special assessments, and shall place the State and county taxes in other columns. The amount of the several taxes so levied upon each valuation shall be carried into another column, and the aggregate of taxes shall be carried into the last column of the roll.

Certificate of
supervisors, etc.

SEC. 11. The supervisors, upon completing their rolls, shall certify to the city treasurer the amounts of taxes levied in their respective rolls for State and county purposes, and to the city clerk the amounts levied therein for city and school taxes, special assessments, and other purposes, and he shall charge the amount thereof to the city treasurer. The city treasurer shall give bond to the county treasurer in the same manner as township treasurers are required to do; and thereupon, an [and] on [or] before the first Monday in December, the several supervisors shall deliver certified copies of the tax-rolls, with the taxes extended therein as aforesaid to the city treasurer, with their warrants for the collection of the taxes therein annexed thereto.

Warrants.

SEC. 12. The warrants annexed to each roll shall state the several amounts levied therein to be paid into the city and county treasuries respectively, and shall command the city treasurer to collect from the several persons named in the said roll the several sums named in the last column thereof opposite their respective names, and to pay over and account for all moneys collected and specified in the roll, as in said warrant directed, on or before the first day of February then next; and the warrant shall authorize the treasurer, in case any person shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

Taxes & lien.

SEC. 13. All taxes levied in any ward tax-roll shall be and remain a lien upon the lands upon which they are levied, until paid.

SEC. 14. Upon receiving the several ward tax-rolls as above pro-

vided, the city treasurer shall give notice immediately to the tax payers of the city that such rolls have been delivered to him and ^{Collection of taxes by city treasurer.} that the taxes therein levied can be paid to him at his office, at any time before the first day of January, then next. Said notice shall be given by publishing the same twice in one of the newspapers of the city, and by posting copies thereof in three public places in each ward of the city; and it shall be the duty of the treasurer to be at his office at such times previous to the said first day of January, as the council shall direct, and there receive payment of such taxes as may be offered to him.

SEC. 15. For the collection of all taxes remaining unpaid on the ^{Idem.} first day of January, the city treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall, for that purpose, have all the powers and authority conferred by law upon township treasurers for such purposes, and shall, when necessary, enforce the payment of the tax against any person by distress and sale of his goods and chattels, if any such can be found anywhere within the county.

SEC. 16. The county treasurer may issue new warrants to the city ^{New warrants.} treasurer for the collection of taxes, in the same manner and in the same cases, and with the same effect, as such new warrant may be issued to township treasurers. The city treasurer may, and it ^{Collection by suit.} shall be his duty, to proceed by suit in the name of the city for the collection of unpaid taxes, in the same cases, and under like circumstances in which township treasurers are authorized to proceed in that manner, and all the provisions of law applicable to suits, and the evidence therein brought by township treasurers in the names of their townships, for such purposes, shall apply to suits brought by [the] city treasurer as aforesaid.

SEC. 17. For the purpose of assessing and levying taxes in said ^{Wards to be regarded as townships.} city for State, county, school, and library purposes, each ward shall be considered the same as a township, and all the provisions of the law, relative to the collection of taxes levied in townships, shall apply to the collection of taxes levied and assessed by the supervisors in such city, except as herein otherwise provided. For the purpose of collecting taxes and returning property for non-payment thereof, the city treasurer shall perform the same duties and have the same powers as township treasurers, except as herein otherwise provided.

SEC. 18. The city treasurer shall, within the time specified and directed in the warrants annexed to said several tax rolls, pay into the city treasurer [treasury], out of the moneys collected by him on said rolls, the amounts specified and directed in said several warrants to be paid into the city treasury, and shall make a statement in writing showing the amounts paid for city, school, and special assessment taxes respectively, and file the same with the city clerk, and the city clerk shall charge the amount of all such taxes to the city treasurer; and the city treasurer shall, within one week after the time for that purpose specified and directed in said warrants, pay to the county treasurer the sums required in said warrants to be so paid, either in delinquent taxes, or in funds then receivable by law,

and all lands upon which any unpaid tax shall be returned shall be sold therefor the same as lands returned for delinquent taxes by township treasurers.

Delinquent taxes.

SEC. 19. All the provisions of law respecting delinquent taxes levied in townships, shall apply to all taxes levied in said city, and be returned as delinquent to the county treasurer; and the city, in respect to taxes levied therein, and returned to the county treasurer as delinquent, shall, except as herein otherwise provided, be considered and treated as a township; and all provisions of law for the sale of lands for the payment of taxes levied for State, county, and township purposes, and returned delinquent, shall apply to the return and sale of property for the non-payment of delinquent taxes levied in said city, except as herein otherwise provided.

CHAPTER XXV.

EDUCATION.

City to be a school district.

SECTION 1. The city of St. Ignace shall constitute a single school district. Such school district shall be a body corporate, by the name and style of the "Public schools of the city of St. Ignace," and shall possess the usual powers of corporations for public purposes; and in that name may sue and be sued, and purchase, acquire, hold, and dispose of such real and personal property as is authorized to be purchased or acquired by this title.

Board of education.

SEC. 2. The school inspectors elected, as provided in this act, shall constitute the board of education of the public schools of the city. They shall elect, from their own number annually, at such time as they shall designate, a president and secretary of the board. They shall meet from time to time, as they may determine, for the transaction of business, and shall keep a record of all their proceedings. The city treasurer shall be the treasurer of the public schools.

Powers and duties of board.

SEC. 3. The board [of education] shall have [the] control and management of the property, interests, and affairs of the district, and of the schools organized, or that may be organized, therein. Said board of education shall have and exercise all the powers conferred upon the district boards and boards of trustees of school districts, by the primary school laws of this State. They shall establish and maintain such primary and graded schools as the public interest may require; and [when] deemed expedient, shall establish a high school for instruction in the higher branches of education, authorized by the school laws of the State. The schools of the district shall be public, and free to all children between the ages of five and twenty years, residing within the city; and shall be taught for such length of time, at least during each year, as is or may be required by law in respect to school districts having a like number of children of the ages aforesaid.

Schools to be free.

SEC. 4. The board of education may appoint and employ a superintendent, and shall employ the teachers and instructors for the public schools, and determine their salaries and define their duties.

Superintendent, teachers, etc.

They shall prescribe the courses of study to be pursued, to [the] Course of study. books to be used, classify the pupils as may be expedient, and provide the necessary apparatus and facilities for instruction, determine the rate of charges for instruction to pupils not resident in the city, make all regulations necessary or required for the examination of teachers, determine the length of time the schools shall be taught each year, adopt the rules for the regulation and government of the schools, and do whatever may be required to advance the interest [interests] of education.

SEC. 5. The board of education shall have authority, and it shall Sites for school houses, etc. be their duty, to designate and establish such number of sites for school-houses in the district as may be necessary, and to purchase and procure the lands therefor, and to erect and maintain thereon, in proper repair, convenient and suitable school-houses, and buildings for the use of the public schools, and to provide the proper furniture and appurtenances for such buildings and grounds. They may also lease lands and buildings for the use of the schools, and may sell and dispose of any lands and property of the district, when no longer needed. They shall make and enforce all needful regulations for the protection and preservation of the school buildings, property and improvements of the district; and the council shall also pass all necessary ordinances for that purpose.

SEC. 6. The board shall cause a census to be taken annually, of School census to be taken. all the children between the ages of five and twenty years, residing in the district, within in the time and in the manner required by law, and report the same, and make and transmit all other necessary reports to the proper officers, as designated by law, in order that the district may receive its share of the primary school funds and library moneys, which said library moneys shall be applied for the support of the city library. For the purposes of distribution of the primary school funds and moneys collected from fines and penalties, the city shall be considered the same as a township; and said board shall be entitled to receive from the county treasurer, or other officer, for the use of the public schools and city library, all moneys appropriated or apportioned to the city for primary schools and district libraries. To receive primary school funds.

SEC. 7. Said board shall, in the month of August in each year, Report and financial statement to be published. publish in at least one of the newspapers of the city, a statement of all the receipts and expenditures of the district for the preceding years, showing the items thereof, the sources of income, the amounts of salaries paid to officers, teachers, and employés, and to whom paid, the obligations incurred during the year; the amount of indebtedness outstanding, and to whom payable; the number of schools in the city, the number of teachers employed, and of the pupils instructed therein during the preceding year, and the branches of education pursued by them; and also the estimates required to be made of the expenditures for grounds and buildings, and for the support of the schools for the ensuing year, and the items thereof, all of which shall be recorded with the proceedings of the board.

SEC. 8. An annual meeting of the legal voters of said school

Report to meeting of voters. district shall be held on the first Monday of September in each year, at which meeting the board of education shall report the receipts and expenditures of the school district for the past year, as provided in the last preceding section. And a majority of the legal voters at such annual meeting shall have all the powers conferred upon such meetings by the primary school laws, subject to the limitations in this title hereinafter contained.

To make estimate of amount necessary to be raised for school purposes, etc.

SEC. 9. The board shall also make and deliver to the city council, annually, in the month of September, an estimate and reports [report] of [the] amounts necessary to be raised in addition to other school funds for the entire support of the public schools, including fuel, pay of teachers, repairs and other incidental expenses, and the payment of interest and indebtedness falling due, and for the purchase of grounds and the construction of school buildings and for all purposes of expenditure which the board is authorized or required to make during the ensuing year, specifying the different objects of expense as particularly as may be; which sums so reported the council shall cause to be raised by tax upon all the taxable property in the city, with the general city taxes next thereafter to be raised: *Provided*, That the amount so to be raised in any one year for the purchase of grounds and the erection of buildings, and for the payment of indebtedness and interest therein incurred for grounds and buildings, shall not exceed one per cent; and the amount for the support of the schools, and for all the other purposes above mentioned, shall not exceed one and one-half per cent on the dollar of the taxable valuation of the real and personal property in the city, as shown by the tax roll [rolls] of the preceding year.

Power of board to borrow money and issue bonds.

SEC. 10. For the payment of current expenses, the board may borrow, from time to time, in anticipation of the collection of taxes levied, or herein authorized to be levied during the same year for school purposes, such sum not exceeding the tax, and to be paid therefrom, as they shall deem expedient. For the purchase of grounds, and the erection of school buildings, and for the payment of indebtedness incurred for such purposes, the said board may, in addition to all other sums, herein authorized to be raised, borrow from time to time upon such terms and in time as they shall find expedient, any sum, not exceeding in any one year one per cent of the taxable valuation of the property in the district. For any sums borrowed, and for the renewing of former loans, the board may issue the bonds of the public schools of the city, for payment of which the faith of the district shall be pledged.

When greater sum required.

SEC. 11. Should any greater sum be required in any one year than can be raised under the provisions of the foregoing section [sections], such sum, not exceeding one per cent of the taxable valuation of the property in the city for the preceding year, may be raised by tax or loan, if authorized by a majority vote of the electors of the district present at any special meeting appointed and called by the board for the purpose of voting thereon. Notice of the time and place and object of any such meeting shall be given by publishing such notice in one of the newspapers of the city, and by posting

copies thereof in ten public places in the city, at least ten days before the meeting.

SEC. 12. The treasurer shall give bond to the public schools of the city, in such sum and with such sureties as the board of education shall approve, conditioned for the faithful performance of the duties of his office. All such [school] moneys receivable from the county treasurer and from the collection of taxes, and other sources, shall be deposited with the treasurer of the public schools, and shall not be used, applied to, or paid out for any purpose except upon the written order of the president, countersigned by the secretary of the board. Any officer or person, paying to the treasurer any money belonging to the public schools, shall take duplicate receipts therefor, and transmit one of them to the secretary of the board.

SEC. 13. The secretary of the board shall receive such compensation for his services as such officer as the board shall determine, otherwise no member of the board shall receive any compensation. No member of the board shall be a party to or interested in any contract with the public schools.

SEC. 14. All the school buildings, property, and effects situated within the city at the time of its incorporation under this act, shall, upon such incorporation, be vested in, and by [be] the property of the district hereby designated as the public schools of the city; and all the debts and liabilities of any school district within the territory incorporated as a school district by this act, and the just share and portion of the debts of any district, a part only of which shall be included with such newly created district, shall be the debt of, and be paid by, the new district; and any suit pending against any such former school district, shall be continued to judgment. Any tax levied and uncollected in any such former district shall be collected and enforced in the same manner as if such new incorporation had not taken place.

CHAPTER XXVI.

FIRE DEPARTMENT.

SECTION 1. The council of the city shall have power to enact such ordinances, and establish and enforce such regulations as they shall deem necessary to guard against the occurrences [occurrence] of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employés, firemen, and officers thereof; and for the care and management of the engines, apparatus, property, and buildings pertaining to the department; and prescribing the powers and duties of such employés, firemen, and officers.

SEC. 2. The council may purchase and provide suitable fire engines, and such other apparatus, instruments, and means for the use of the department as may be deemed necessary for the extin-

guishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds, and other suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.

Engine house.

SEC. 3. The council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams, and fire apparatus of the department.

Engineer of, to be chief.

SEC. 4. The engineer of the fire department shall be the chief of the department and subject to the direction of the mayor; shall have the supervision and direction of the department, and the care and management of the fire engines, apparatus, and property, subject to such rules and regulations as the council may prescribe; and the council may appoint such assistant engineers and other officers of the department as may be necessary.

Assistanta.

SEC. 5. The fire engineer, mayor, chief of police, and any alderman or officer of the fire department may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of the property thereat. If any person shall willfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest, or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished, and in addition thereto he shall be punished in such manner as may be prescribed by the ordinance [ordinances] of the city.

Fire wardens.

SEC. 6. The common council may provide by ordinance, for the appointment of, and may appoint such number of fire-wardens as may be deemed necessary; and for the examination by them, from time to time, of the stoves, furnaces, and heating apparatus, and devices in all the dwellings, buildings, and structures within the city, and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe, with respect to fire, to be put in a safe condition.

Fire limits.

SEC. 7. The council may prescribe by ordinance, from time to time, limits or districts within the city, within which wooden buildings and structures shall not be erected, placed, or enlarged, and to direct the manner of constructing buildings within such districts, with respect to protection against fire, and the material of which the outer walls and roof shall be constructed.

Location of: shops, lumber yards, etc.

SEC. 8. The council may also prohibit within such places or districts as they shall deem expedient the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood, or other easily inflammable material, in open places, where, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils, and other combustible and explosive substances, and the use of lights in buildings; and generally may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

Gunpowder.

SEC. 9. Every building or structure which may be erected, placed, enlarged, or kept, in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

Violations of ordinances in reference to.

SEC. 10. The officers, firemen, and employés of the department shall receive such compensation as the council may prescribe, and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property in consequence of the performance of his duty at any fire.

SEC. 11. The engineer in charge of the department at any fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire, and no action shall be maintained against any person or [against] the city therefor ; but if any person having an interest in the building shall apply to the council, within three months after the fire, for damages or compensation for such building, the council may, in their discretion, pay him such compensation as may be just. They may ascertain such damage by agreement with the owner, or by the appraisal of [a] jury, to be selected in the same manner as in case of juries to appraise damages for taking private property for public use ; and the council may cause the amount of any damages determined upon to be defrayed by the a special assessment upon the property which in their opinion was protected or benefited by the destruction of such building ; but no damages shall be paid for the amount of any loss which would probably have occurred to such if it had not been pulled down or destroyed.

CHAPTER XXVII.

MISCELLANEOUS.

SECTION 1. All process against the city shall sue against the city in the corporate name thereof, and may be served by leaving a certified copy with the mayor, city clerk, or city attorney, at least ten days before the day of appearance mentioned therein.

SEC. 2. No lands or premises shall hereafter be laid out, divided, and platted into lots, streets, and alleys within the city, except by permission and approval of the council by resolution passed for that purpose, nor until the proprietor shall file with the city clerk a correct survey, plan, and map of such grounds and the subdivisions [subdivision] thereof, platted and subdivided as approved by the council, and made to their satisfaction ; showing also the relative position and location of such lots, streets, and alleys, with respect to the adjacent lots and streets of the city ; nor shall any such plat and dedication of the street [streets] and public grounds thereon be recorded in any office of register of deeds until a certificate thereon has been endorsed thereon by the city clerk, under the seal of the city, showing that such plat and declaration has been approved by the council ; nor shall the city, by reason of such approval, be responsible for the improvement, care, and repairs of such streets and alleys, excepting such as the council shall accept and confirm by ordinance.

SEC. 3. All the personal and real estate rights, credited [credits], and effects whatsoever, and all and every right and interest therein

Property, rights, belonging to the village of St. Ignace, and all demands due, and to liabilities, etc. grow due to the same, shall hereafter fully and absolutely belong to the corporation created by this act, saving, nevertheless, to all and every person his or their just rights therein; and to the end that all and singular the estates and rights aforesaid may be fully vested in the corporation hereby created, every person, who is or shall be possessed thereof, shall deliver the same to the mayor, clerk, and aldermen, of the city of St. Ignace, with all moneys, deeds, evidences of debts [debt], property, books, and papers touching or concerning the same, when legally required so to do; and the said city may sue in the corporate name, to recover any demand or debt due, or to grow due, to said village; and the corporation hereby created shall be liable for, and pay all just debts due from, or legal claims or demands against the said village of St. Ignace, or trustees thereof; and all contracts made, or agreements entered into by the corporate authorities of said village of St. Ignace, shall be, and the same are hereby made binding and obligatory upon the corporation hereby created.

Powers of common council same as town-ship boards, etc. SEC. 4. The common council of said city is hereby authorized and required to perform the same duties within and for said city as are by law imposed upon the township board in the several townships of this State in relation to State, district, and county elections, except as herein otherwise provided. The mayor and clerk shall select and return lists of jurors, in the same manner and within the same time that the like duty is required of township officers in this State; and every officer elected in said city shall, within ten days after he shall be notified of his election, take and subscribe the oath of office prescribed by the constitution, before any person authorized to administer oaths, and file the same with the clerk of said city. And the treasurer and marshal of said city shall respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trust reposed in them, as the mayor and aldermen may require, and all other city officers who are or may be required to perform the duties of township officers of this State shall take such oath and give such bonds as are required of corresponding township officers.

Common council to have control of finances, property, etc. SEC. 5. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to said city, and may make such orders, by-laws, and ordinances relating to the same, as they shall deem proper and necessary, and further, that they shall have power in said city to enact, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they may deem desirable within said city.

Common council to publish yearly a financial report. SEC. 6. The common council shall at least once in a year cause to be published a just and true account of all moneys received and expended by them in their corporate capacity during the year, or other period next preceding such publication, previous to which they shall audit and settle the accounts of the treasurer, and the accounts of all other persons having claims against the city; which

statement shall fully set forth the appropriations made by said common council, the amount of money expended, the amount of taxes raised, the expenses of the fire department, the amount expended on streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the city, which report shall be spread at large on the records of said council.

SEC. 7. All ordinances, by-laws, and resolutions of the corporation of the village of St. Ignace, which are in force at the time of the passing of this act, shall remain in full force and effect as is passed under the provisions of this act, or until repealed, amended, or revised by any common council elected under this act: *Provided*, That they do not contain anything repugnant to the provisions of this act, and the indebtedness of the village of St. Ignace shall be assumed and paid by the city of St. Ignace.

SEC. 8. All town officers of the township of St. Ignace, residing within said city, shall continue to discharge the duties of such officers until their successors are elected and qualified, and the justices of the peace heretofore elected in said township, residing within the limits of said city, shall continue to hold their offices for the term for which they were elected, and their jurisdiction shall be the same as if this act had not been passed; and they shall also have concurrent jurisdiction within the limits of the city with the justices of the peace who may be elected under the provisions of this act.

SEC. 9. The township clerk of the township of St. Ignace shall deliver to the clerk of said city, as soon as he shall be elected and qualified, all the chattel mortgages upon the property within the limits of said city, with a book containing the entry of the same; and all personal mortgages upon property in said city shall hereafter be filed with said city clerk.

SEC. 10. This act shall be favorably received and construed in all courts as a public act, and copies thereof, printed under the authority of the legislature, shall be received as evidence without further proof.

SEC. 11. The township board of the township of St. Ignace is hereby authorized to convey to the city of St. Ignace, at such price and upon such terms as may seem just, the lot in said city on which the jail is situated.

SEC. 12. The moneys collected for township purposes, in the township of St. Ignace, upon the tax roll of 1882, shall be equitably divided between the city and township of St. Ignace, by the common council of said city and the township board of said township; and in case said common council and township board shall be unable to agree upon such division, the same shall be submitted to the arbitration of three persons—one to be chosen by said common council, one by said township board, and the other by the persons chosen as aforesaid, and their award, or the award of two of said persons, shall be conclusive upon said city and township.

SEC. 13. The annual township meeting for the township of St.

*Ordinances, etc.
of village of St.
Ignace to remain
in force.*

*Officers of
township to con-
tinue in office,
etc.*

*Township clerk
to deliver to city
clerk chattel
mortgages.*

*Construction of
act.*

*To be received
as evidence.*

*Township board
to convey to city
board certain
property.*

*Division of mon-
eys collected for
1882, between
township and
city.*

Annual town-
ship meeting.

Ignace shall be held at the residence of Charles Grondin, in said township.

Expenses of
elections.

SEC. 14. The expenses of any election to be held as provided by this act, shall be city charges, and defrayed in the same manner as the other contingent expenses of the city.

This act is ordered to take immediate effect.

Approved March 14, 1883.

[No. 224.]

AN ACT to incorporate the village of Mecosta, in Mecosta county.

Territory incor-
porated.

SECTION 1. *The People of the State of Michigan enact,* That the north half, and the north half of the southwest quarter, and the north half of the southeast quarter of section eleven, and the north half of the southwest quarter, and the northwest quarter of section twelve, in township fourteen north, range eight west, in the township of Morton, county of Mecosta, and State of Michigan, be and the same is hereby constituted a village corporate, known as the village of Mecosta.

First election.

SEC. 2. The first election of officers of said village shall be held at the town hall in said village, on the first Monday of April, in the year of our Lord one thousand eight hundred and eighty-three, due notice of which election shall be given by the board of registration hereinafter appointed, by posting notices in three public places in said village ten days before said election.

Board of regis-
tration.

SEC. 3. Isaac W. Ferris, Amos S. Johnson, and James Hullinger are hereby constituted a board of registration for the purpose of registering votes for the first election to be held in said village, and said board of registration shall meet on Saturday next preceding said day of election, at said town _____ hall _____, and remain in session the same hours required by the board of registration of general elections, and register the names of all persons residing in said village, and having the qualification of voters at annual township meetings, due notices of which registration shall be made by said board, by posting notices thereof in three public places in said village, ten days previous to said meeting for registration.

Notice.

SEC. 4. Said village of Mecosta shall in all things not herein otherwise provided be governed, and its powers and duties defined, by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereof.

Further provis-
ion for election.

SEC. 5. In case said officers are not elected at the time designated in section two of this act, an election of officers may be held at any time within one year from the time designated in said section two, on notice being given as therein required.

This act is ordered to take immediate effect.

Approved March 15, 1883.

[No. 225.]

AN ACT to vacate the township of Bradford in the county of Missaukee, and to attach the same to the township of Clam Union, Missaukee county.

SECTION 1. *The People of the State of Michigan enact,* That the township of Bradford in the county of Missaukee, be and the same is hereby vacated and the organization thereof dissolved and repealed, and the territory included in said township of Bradford be and is hereby attached to and incorporated within the township of Clam Union, in said county of Missaukee, and shall form a part of said township of Clam Union.

SEC. 2. Said township of Clam Union is hereby made the legal successors of said township of Bradford hereby vacated, and the officers of Clam Union township are hereby declared to be the successors of the officers of the township of Bradford.

SEC. 3. The township board of the township of Clam Union shall ascertain and determine the amount of all lawful debts and claims against said township of Bradford, including the State and county taxes now due Missaukee county and unpaid, and the supervisor of the township of Clam Union shall cause the same to be assessed on the taxable property of the present township of Bradford, and when collected the same shall be paid to the county treasurer and other creditors of said township of Bradford on the order of the supervisor and township clerk of Clam Union.

SEC. 4. The board of school inspectors of Clam Union township shall, after this act takes effect, re-number the school districts of the township of Bradford as school districts of the township of Clam Union, at a special meeting of such school inspectors to be held as provided by law.

This act is ordered to take immediate effect.

Approved March 15, 1883.

[No. 226.]

AN ACT to incorporate the village of Pinckney.

SECTION 1. *The People of the State of Michigan enact,* That the territory described as the southeast quarter and the south half of the northeast quarter of section number twenty-two (22), the southwest quarter and the south half of the northwest quarter, and southwest quarter of the northeast quarter, and west half of the southeast quarter of section number twenty-three (23), the northwest quarter and west half of the northeast quarter of section number twenty-six (26), and the northeast quarter of section number twenty-seven (27), all in township number one north, and range number four east, and being in the township of Putnam, county of Livingston, and State of Michigan, be and the same is hereby constituted as a village corporate, to be known as the village of Pinckney.

Sec. 2. The first election of officers of said village shall be held First election.

Notice to be given.

at the Globe hotel in said village of Pinckney on Monday, the twenty-sixth (26) day of March, in the year one thousand eight hundred and eighty-three, due notice of which election shall be given by the board of registration hereinafter appointed, by posting thereof in three or more public places in said village at least ten days before the time of said election.

Board of registration.

SEC. 3. Samuel Sykes, Charles N. Plimpton and George W. Teeple are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby requested to meet on Saturday preceding the fourth Monday of March, eighteen hundred and eighty-three, and register the names of all persons residing in the corporate limits of said village and having the qualifications of voters at annual township meetings, due notice of which registration shall be made by said board by posting notices at least ten days previous to said registration in three or more public places in said village.

Meeting of.

SEC. 4. The said village of Pinckney shall in all things not herein otherwise provided be governed by and its provisions and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and all acts amendatory thereto: *Provided however,* That nothing herein contained shall be so construed as to compel the said village of Pinckney to build, repair, or maintain any bridge, bridges, or culverts within the corporate limits of said village; but all such bridges and culverts now built or hereafter constructed in the corporate limits of said village shall be built, maintained and repaired by the entire township of Putnam as if said village had not been incorporated, and shall be under the direction and control of the proper officer of said township of Putnam.

General law governing.

SEC. 5. In case the said officers are not elected at the time designated in section two of this act, an election of officers may be held at any time within one year from the time designated in said section two of this act, on notice being given as provided therein.

This act is ordered to take immediate effect.

Approved March 15, 1883.

[No. 227.]

AN ACT to revise and amend the charter of the city of Saginaw, and to repeal act number four hundred and ninety-six, of the laws of eighteen hundred and sixty-seven, entitled "An act to amend an act entitled 'An act to revise and amend the charter of the city of Saginaw,' approved February five, eighteen hundred and fifty-nine."

TITLE I.

BOUNDARIES, OFFICERS, AND ELECTIONS.

Corporation con-
tinued.

SECTION 1. *The People of the State of Michigan enact,* That the corporation heretofore created and now known as the "city of Sagi-

naw," shall be, and continue to be a corporation by the name of the city of Saginaw, and by that name may sue and be sued, plead and be impleaded, complain and defend in any court of competent jurisdiction, and may have a common seal, and alter the same at pleasure, and may take, purchase, hold, lease, convey, and dispose of any real, personal, or mixed estate, for the use of said corporation; and the following described territory, in the county of Saginaw, and State of Michigan, is hereby declared to constitute said city, and subject to the municipal government of said corporation, to-wit: Beginning at the center of the Saginaw river, on the quarter line of section twenty-four, in township twelve north, of range four east, thence west along the quarter line to the center of said section twenty-four, thence north and northeasterly along the west line of the village of Florence to the quarter line of section thirteen in said township, thence west along the quarter line of sections thirteen, fourteen, and fifteen, to the west line of said section fifteen, in said township, thence south to the center of the Tittabawassee river; thence down and along the center of said river, to the center of the Saginaw river, and thence down and along the center of the Saginaw river to the place of beginning.

SEC. 2. The said city shall be divided into six wards: The first ward shall comprise all that part of said city within the following boundaries, to wit: Commencing at the west line of the village of Florence, where said west line intersects the east and west quarter line of section thirteen, in said town twelve north, of range four east, thence west on said quarter line to the center of section fourteen in said town, that being the center of Eighteenth street, in said city, thence south on and along the center of said Eighteenth street to the center of section twenty-three, in said township twelve north, of range four east, that being the center of Houghton avenue, in said city, thence east on and along the center of said Houghton avenue, and the east and west quarter line of sections twenty-three and twenty-four to the west line of the said village of Florence, thence north and northeasterly on and along the west line of the village of Florence to the place of beginning. The second ward of said city shall comprise all that part of the city within the following boundaries, to wit: Commencing in the center of the Saginaw river at a point where it is intersected by the east and west quarter line of section twenty-four, in said town twelve north, of range four east, thence west on and along said quarter line to Houghton avenue, thence west on and along the center of Houghton avenue to where it intersects Eighteenth street, thence north on and along the center of Eighteenth street to the north line of said city, thence west on and along the north line of said city to the center of the Bay City State road; thence south on and along the center of said Bay City State road to the southwest corner of the northwest quarter of section twenty-three, in said town twelve north, range four east, thence east on the east and west quarter line of said section twenty-three to the center of Madison street, in said city, thence south and southeasterly on and along the center of said Madison street to the center of said Saginaw river, thence down and along

Third ward.

the center of the Saginaw river to the place of beginning. The third ward shall comprise all that part of said city, within the following limits, to wit: Commencing in the center of the Saginaw river, at the foot of Madison street, thence northwesterly and north on and along the center of said Madison street to the east and west quarter line of said section twenty-three, thence west on said quarter line to the center of the Bay City State road, thence north on and along the center of said Bay City State road to the north line of said city, thence west and along the north line of said city to the north and south quarter line of section fifteen, in said town twelve north, of range four east, thence south and along said quarter line to the center of Court street, thence on and along the center of Court street to the center of the Saginaw river, thence down and along the center of said Saginaw river to the place of beginning.

Fourth ward.

The fourth ward of said city shall comprise all that part of said city within the following limits, to wit: Commencing at the center of the Saginaw river, at the foot of Court street, thence on and along the center of Court street to the north and south quarter line of section twenty-two, in said town twelve north, of range four east, thence north on and along said quarter line to the north line of said city, thence west on and along said north line to the center of Mackinaw street, thence on and along the center of Mackinaw street to the center of the Saginaw river, thence along the center of the Saginaw river to the place of beginning.

Fifth ward.

The fifth ward shall comprise all that part of said city within the following limits, to wit: Commencing in the center of the Saginaw river, at the foot of Mackinaw street, thence on and along the center of Mackinaw street to the north line of said city, thence west on and along said north line to the section line between sections fifteen and sixteen of said town, thence south on and along said section line to the center of the Gratiot State road, thence east on and along the center of said Gratiot State road to the center of First street, thence south on and along the center of said First street to the center of Waller street, thence southeasterly on and along the center of said Waller street to the center of the Saginaw river, thence northerly on and along the center line of said river to the place of beginning.

Sixth ward.

The sixth ward of said city shall comprise all that part of said city lying and being south and west of the fifth ward.

City officers elected; terms of office, etc.

SEC. 3. The following officers of said city shall be elected by the qualified electors thereof, upon a general ticket, at the annual city election in said city, viz.: A mayor, a recorder, a treasurer, and four justices of the peace, as follows: The mayor shall be elected annually, and shall hold his office for one year, and until his successor is elected and qualified. The recorder and treasurer shall be elected each alternate year, and each shall hold his office for two years, and until his successor is elected and qualified. And one justice of the peace shall be elected each year, who shall hold his office for the term of four years, and until his successor is elected and qualified, and whose term of office shall commence at the same time, and whose powers, duties, compensation, fees, and liabilities shall be the same as those of justices of the peace elected under the

general laws of this State; and said justices of the peace shall have jurisdiction in civil cases when either of the parties reside in said county of Saginaw.

SEC. 4. There shall also be elected at each annual city election, in and for each of the wards of the city, one alderman, who shall be an elector of the ward, and who shall hold his office for two years, and until his successor is elected and qualified; and one constable, who shall hold his office for one year, and until his successor is elected and qualified, and who shall have all the powers and perform all the duties of constables elected under the general laws of this State.

SEC. 5. There shall be one supervisor in and for each ward of the city, who shall be appointed by the common council, on the nomination of the mayor, and who shall be an elector of the ward. Such supervisors shall be members of the board of supervisors of Saginaw county, and, as such members of said board, they shall each have all the powers and perform all the duties on said board of supervisors, of supervisors of townships elected under the general laws of this State. Each of the supervisors shall hold his office for the term of three years, and until his successor shall be appointed and qualified.

SEC. 6. The annual city election under this act shall be held on the first Monday of April in each year. Notice thereof shall be given by the controller at least eight days before the election, by publishing the same in some newspaper printed and circulated in said city. The aldermen of each ward shall be inspectors of all elections therein, with all the powers of inspectors of election in townships, and at all elections shall appoint two clerks thereof, who shall take the constitutional oath of office. In case of the absence of one or both such inspectors from the ward polls, the electors present may choose *viva voce* from their number, one or two persons as may be necessary, to fill such vacancy or vacancies, who shall take the constitutional oath of office, which may be administered by the inspector present, or by any person authorized to administer oaths, and such inspectors shall have the same powers and perform the same duties as other inspectors of election in said city. The common council shall designate the places for holding all elections in said city. The manner of conducting elections, canvassing the votes, and the qualifications of electors in the several wards shall be the same as that in townships of this State, the word "ward" being used instead of "township" in the oath to be administered to an elector, in case his vote shall be challenged. The ward inspectors, at each city election, shall make a certificate of the number of votes given for each person for the several offices to be filled in and for said city, and also a certificate of the number of votes given for the several offices to be filled in and for each ward, which certificates shall be immediately filed in the office of the controller of said city; and upon Thursday next following the day of such election, the common council shall meet at the council room and determine who, by the greatest number of votes given in the several wards at such

Ward officers
elected: terms
of office of

Shall be mem-
bers of county
board.

Term of office of

Annual elec-
tions.

Notice of.

Inspectors of.

elections.

elections.

elections.

Place for hold-
ing.

Conducting of

canvass, etc.

Certificates of

inspectors to be
filed, etc.

Council to deter-
mine who

elected.

Controller to give notice to persons elected.

election, are duly elected to the respective city and ward offices. It shall be the duty of the controller, immediately after such determination, to cause notice to be given to each of the persons elected, either personally or by depositing notice thereof in the postoffice, pre-paid, and duly addressed to the person to be notified. Each of such officers so elected and notified shall, within ten days thereafter, take and subscribe the constitutional oath of office before some person authorized to administer oaths, and shall deliver the same to the controller, who shall file the same in his office. On the election of a justice of the peace, the controller shall make a certificate thereof, under the seal of the city, and cause it to be delivered to the county clerk of Saginaw county, in the same manner and time as is required of township clerks. In case no person shall receive a plurality of votes for any office, and two or more persons shall receive an equal number of votes for the same office, the common council shall immediately proceed to determine by lot which of the persons receiving such equal number of votes, is elected to such office. If any person elected at any city election, and notified as aforesaid, shall, for the period of ten days after such notice, neglect to qualify as aforesaid, he shall be deemed to have declined such office, and the same shall be vacant.

Oath of officers.

Certificate of election of justices.

Tie vote.

Neglect to qualify.

Certain officers to be appointed upon nomination of mayor.

SEC. 7. The common council, on the nomination of the mayor, shall have power, and it shall be the duty of the common council, to appoint the following city officers, viz.: A controller, a city attorney, a street commissioner, a chief engineer, and one or more assistant engineers of the fire department, a director of the poor, a marshal, and such other officers as the common council may, from time to time, deem necessary to carry into effect the powers granted by this act. The terms of all officers appointed by the common council as aforesaid shall commence on the first Monday of March. The controller shall be appointed and hold his office for the term of two years, and each of the other above named officers for the term of one year; but officers appointed to fill a vacancy shall hold only for the remainder of the term. The mayor shall submit to the common council his nominations to the above named offices, at the first regular meeting in the month of February, and the common council shall act thereon at the last regular meeting in said month. Should the common council, for any reason, fail to appoint any of such officers at the time aforesaid, the person holding such office shall continue to discharge the duties thereof until his successor is appointed and qualified; and the mayor may submit a nomination to such office, and the common council act thereon at any time thereafter. Such appointments shall be made only by a majority vote of all the aldermen elect.

Resignation of officers, vacancies, etc.

Officers pro tempore.

SEC. 8. Resignations of office shall be made in writing, and subject to the acceptance of the common council. Whenever a vacancy shall, from any cause, occur in any elective office, except that of mayor and justice of the peace, the common council shall appoint some person eligible to such office, under this act, to serve in such office *pro tempore*, and to discharge the duties thereof, until the next annual city election, when such vacancy shall be filled by

election for the unexpired portion of the term of such office. Whenever a vacancy shall occur in any city office to which the incumbent was appointed, the same shall at once be filled for the remainder of the term, in the manner provided in this act for appointment to such office.

TITLE II.

POWERS AND DUTIES OF THE COMMON COUNCIL.

SECTION 1. The mayor, recorder, and aldermen, when assembled Common coun-
and organized, shall constitute the common council of the city of Saginaw. A majority of the aldermen elect, with the mayor or recorder, shall be necessary to constitute a quorum for the transaction of business. The common council may be summoned to hold meetings at such times as the mayor, or in case of his absence or inability from any cause to act, the recorder may appoint. All meetings of the common council shall be public, and shall be held at the common council room, unless for good reason that shall be impracticable, and in such case the mayor, or in case of his absence or inability to act, the recorder shall designate the place of meeting.

SEC. 2. The mayor, or in his absence the recorder, shall preside at all meetings of the common council, and no business shall be done at any meeting of the common council unless the mayor or recorder shall be present thereat, except to fill a vacancy in the office of recorder. The officer presiding at such meetings shall have the right to vote upon all questions. The controller shall keep a record or journal of the proceedings of the common council, and the same shall be signed by the controller and by the mayor or recorder who presided at such meeting. The common council shall have power to send for and to compel the attendance of any of its members, or any city officer appointed by the common council, and to impose, levy, and collect such penalty, not exceeding five dollars, as the common council may deem proper, for the non-attendance of any such member or officer who has been duly notified to attend such meeting; and upon cause shown, to remit such penalty.

SEC. 3. No member of the common council shall vote upon any question in which he has any personal pecuniary interest, but upon all other questions he shall vote, unless excused. A less number than a quorum may adjourn a meeting of the common council to a time certain. No business or proceeding fixed, noticed, or set down for any special, adjourned, or regular meeting shall lapse, fail, or become invalid, or the common council lose jurisdiction thereof, by reason of a failure to hold such meeting, or to act thereon, but the same shall stand continued and go over to the next regular meeting that may be held thereafter, at which time such action may be taken in regard thereto, as could have been taken thereon, had a meeting been held, or action had thereon at the time first appointed therefor. In the absence of the controller, the common council may appoint one of the aldermen present to act as clerk of the meeting, and he shall keep the record thereof.

Common coun-
cil, of whom
composed.

Calling meetings
of.

All To be public.

Who to preside
at meetings of.

Presiding officer
may vote.

Record of pro-
ceedings.

Compel attend-
ance of mem-
bers.

No member
interested to
vote.

In case of failure
to hold meet-
ing, business to
stand continued.

Clerk may be
appointed.

Suspension of
certain ordinan-
ces, resolutions,
etc.

SEC. 4. No ordinance, resolution, or vote of the common council appropriating or creating any liability to pay money or conferring upon any person or persons, corporation or company, any special franchise or privilege or providing for any improvement, or imposing any fine or penalty, shall have any immediate force or effect, if on the day of its passage, or during the next three days thereafter, the mayor or other officer legally discharging the duties of the mayor, shall file with the controller a notice in writing suspending the immediate operation of such ordinance, resolution, or vote. If the mayor or other officer legally discharging the duties of mayor, after he shall have filed such notice as aforesaid, shall before the next regular meeting of the common council file with the controller in his office, his reasons in writing why such suspended ordinance, resolution, or vote should not go into effect, the same shall not go into effect or have any legal force or operation, unless at the next regular meeting of the common council, or at some subsequent meeting to which the consideration thereof may be adjourned, the same shall be passed by a vote of two-thirds of all the aldermen elect, and the names of all the aldermen voting thereon, and their votes shall be entered on the journal, and if so passed the same shall go into immediate effect, according to the terms thereof. If such reasons shall not be filed with the controller as above provided, such ordinance, resolution or vote, after the next regular meeting of the common council, next after the same was passed, shall have the same operation and effect, as if no notice suspending the same had been filed with the controller. No such ordinance,

Time when ordi-
nances, etc., go
into effect.

resolution or vote of the common council shall go into effect or operation until after the expiration of three days from and after its passage, except when the same has been suspended as aforesaid, and re-passed by a vote of two-thirds of all the aldermen elect, or shall have been voted for by two-thirds of all the aldermen elect, and the mayor. It shall be the duty of the controller to communicate to the common council at the next regular meeting thereafter, any notice, and any reasons therefor, that may be filed with him as in this section provided for.

Suspension of
officers by
mayor.

SEC. 5. The mayor, for neglect of duty, or official incompetency or misconduct, shall have power to suspend until the next regular meeting of the council, any officer appointed on his nomination. Whenever the mayor suspends a city officer he shall do so by filing with the controller his reasons therefor in writing, and the controller shall cause a copy thereof to be delivered to the officer so suspended, within two days after the same are filed with him, and the controller shall lay such reasons before the common council at the next regular meeting thereafter, when the same shall be acted upon by the common council at such meeting, unless the consideration thereof be adjourned by a majority vote of all the aldermen elect to a time certain, not longer than the next regular meeting, when the same shall be disposed of finally. When the mayor shall suspend any such officer, he shall appoint some person to act in place thereof until such suspension is acted upon by the council, except when the controller is suspended by the mayor, his reasons therefor

Proceedings in
case of.

shall be filed with the recorder, who shall have the powers and discharge the duties of the controller until such suspension is finally disposed of. Such officer at such hearing may examine witnesses in his favor, and be assisted by counsel, and no such officer shall be removed except by a majority vote of all the aldermen elect. The common council may, by a three-fourths vote of all the aldermen elect, remove any officer holding office by appointment. The provisions of this section shall not apply to deputy marshals.

SEC. 6. The common council shall have power to remove from office any member thereof, and any other officer of said city holding office by election, except the mayor, recorder, and justices of the peace, for corrupt misconduct in office, or willful neglect of the duties of his office, or for any willful violation of any ordinance of the city, or statute of the State, by a vote of two-thirds of all the aldermen elect. No proceedings shall be had for the removal of any officer holding by election, until a resolution charging him with cause of removal shall be passed by a majority vote of all the aldermen elect, and a copy thereof served upon such officer, at least ten days before the time fixed by the common council for action on the charges contained in such resolution. Upon the hearing of such charges, the officer shall be heard in his defense, and have the aid of counsel. The controller shall have power to issue subpoena, to compel the attendance of witnesses for, as well as against such officer, and the common council shall have power to compel the production of books and papers when necessary, and shall proceed within twenty days after service of such charges to hear and determine the same.

SEC. 7. In addition to the powers and duties specially conferred by this act, the common council shall also have the management and control of the finances, rights, interests, buildings, and all property, real, personal, and mixed, belonging to the city, and may make such orders and by-laws relating to the same as they shall deem necessary and proper. They shall also have power within the limits and jurisdiction of said corporation—

First, To provide for and preserve the purity and salubrity of the waters of the Saginaw river; to prohibit and prevent the depositing therein of all filthy or other matter tending to render said water impure, unwholesome, or offensive; to preserve and regulate the navigation of said river within the limits of said city; to prohibit and prevent the depositing or keeping therein any structure, earth, or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring, and mooring of vessels, and laying out of cargoes and ballast from the same;

Second, To license, continue, and regulate so many ferries from within said city to the opposite shore of Saginaw river, for carrying and transporting persons and property across the river, in such manner as shall seem most conducive to the public good;

Third, To erect, repair, and regulate public wharves and docks

Removal of
officers by
common council
by two-thirds
vote.

Resolution for.

Notice.

Hearing.

General powers
of common
council.

Over Saginaw
river.

Ferries.

Wharves, docks, etc., at the ends of streets and on the property of the corporation ; to regulate the erection and repair of private wharves and docks so that they shall not extend into the Saginaw river beyond a certain line to be established by the common council, and to prohibit the encumbering of all public wharves and docks with boxes, carriages, carts, sleighs, sleds, or other vehicle, dray, or thing whatever ;

Idem. *Fourth*, To lease the wharves and wharfing privileges at the ends of streets on the Saginaw river in said city, upon such terms and conditions, and under such covenants, and with such remedies in case of non-performance as the common council may direct, but no building shall be erected thereon and no lease thereof shall be executed for a longer period than twenty years, and a free passage shall at all times be secured for all persons, with their baggage, over said public wharves ;

Construction, repair, etc., of wooden buildings. *Fifth*, To prohibit and prevent the location or construction of any wooden or frame house, store, shop, or building on such streets, alleys, and places, or within such limits in said city as the common council may from time to time prescribe ; to regulate or prohibit and prevent the removal of wooden or frame buildings from any part of said city to any lot on such streets, alleys, and places, or within said limits, and the rebuilding and repairing of the same ; to prevent the rebuilding or repairing of wooden buildings on such streets, alleys, and places, or within said limits when damaged by fire or otherwise ;

Weights and measures. *Sixth*, To appoint one or more inspectors, measurers, weighers, and gaugers of articles to be measured, inspected, weighed, and gauged ; to prescribe and regulate their powers and duties, fees and compensation ; to regulate the weights and measures used in the city and prescribe the penalties for using false weights and measures not conforming to the standard as established by the laws of this State ;

Paupers. *Seventh*. To provide for the protection and care of paupers and to prohibit and prevent all persons from bringing, in vessels or otherwise, to said city, from any other port or place, any pauper or other person likely to become a charge upon said city, and to punish therefor ;

Buildings and offices for use of city. *Eighth*, To erect, and provide for the erection of a city hall, and all needful buildings and offices for the use of the corporation or of its officers, and to control and regulate the same, and to purchase the necessary real estate on which to erect the same, and to rent any building or room necessary for the use of said city ;

To prevent vice, etc. *Ninth*, To prevent vice and immorality ; to preserve public peace and good order ; to appoint, organize, regulate, and maintain a police force of the city, and by ordinance to prescribe the powers and duties of the members thereof ; and to prevent and quell riots, disturbances, and disorderly assemblages and conduct ;

Police. *Tenth*, To restrain and prevent disorderly and gaming houses, and houses of ill-fame ; the holding, keeping, or using of all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables and bowling alleys ;

Disorderly houses, gaming, etc.

Billiard tables.

Eleventh, To prevent the vending or giving away of spirituous or fermented liquors, and to license and regulate the sale thereof when such sale is authorized by the laws of this State; Spirituos
liquors.

Twelfth, To apprehend, restrain, and punish all drunkards, vagrants, mendicants, street beggars, prostitutes, and persons soliciting alms, and to punish and prevent all intoxication and disorderly conduct; Drunkards,
vagrants, etc.

Thirteenth, To prohibit and prevent, or license and regulate, the public exhibition, by itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibition [exhibitions] of common showmen, and shows of any kind; Shows, exhibi-
tions, etc.

Fourteenth, To prohibit, prevent, abate, and remove all nuisances within said city, and to compel the owner or occupant of any grocery, tallow chandler shop, butcher shop or stall, soap factory, glue factory, tannery, slaughter house, stable, privy, hog pen, sewer or other offensive house or place, to cleanse, remove, or abate the same as the common council may deem necessary for the health, comfort and convenience of the inhabitants of the city; Nuisances.

Fifteenth, To direct and regulate the location and maintenance of all slaughter-houses, markets, and buildings for storing gunpowder or other combustible substances, and to prohibit or regulate the buying, selling, keeping for sale, storing and transporting gunpowder, naphtha, saltpeter, benzine, benzole, petroleum, kerosene oil, fire-crackers, fire-works, and all other combustible substances, and the using thereof; to regulate the use of lights in barns, stables, and other buildings, and to prohibit the making of bonfires; Slaughter-
houses, mar-
kets, etc., gun-
powder, and
other combus-
tible, etc.

Sixteenth, To prevent the encumbering or obstruction of streets, side or crosswalks, lanes, alleys, public grounds, bridges, wharves, or slips, in any manner whatever, and to compel persons owning or occupying premises to keep the streets and sidewalks in front of such premises free from dirt and obstructions; Obstruction of
streets, etc.

Seventeenth, To prevent immoderate riding or driving in any street; to compel persons to fasten or secure their horses, oxen, or other animals, while standing in any of the streets, lanes, or alleys of the city, and to prevent persons from riding or driving upon, or across any sidewalk; Immoderate
driving.

Eighteenth, To prevent or regulate the running at large of dogs; to impose taxes for the keeping of dogs; to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance; Dogs.

Nineteenth, To regulate the running of railroad locomotives, engines and cars within the city, and to fix the rate of speed thereof; to provide by ordinance, for the lighting of any railroad or part thereof which may be located within the corporate limits of the city, in such mode and manner as the common council shall prescribe; and when it shall be deemed necessary and proper by said common council to provide for the lighting of any such railroad, or any part thereof, within the city, said common council may pass and adopt an ordinance requiring such railroad company or companies, within a specified time, which shall not be less than thirty To regulate run-
ning of locomo-
tives, lighting of
railroad tracks,
etc.

days, to light their track or tracks, or such part thereof as may be designated by such ordinance; and such ordinance may prescribe the mode and manner in which the same shall be done; the number, style, and size of lamp posts, burners, lamps, and all other fixtures and apparatus necessary for such lighting; the points of location of such lamp posts, and the time or times for lighting and keeping such lamps or burners lighted; and in case the said lighting shall not be done in conformity with the provisions, directions, and specifications of such ordinance, or in case any railroad company fail, neglect or refuse to light its track, or such part thereof as may be designated, and within the time limited by such ordinance, the common council may proceed immediately to cause such lighting to be done in conformity to the provisions of such ordinance, the expenses of which shall be a proper charge against such company or companies. Such charge may be collected by action or procedure at law or in equity, in the name of said city; and in such proceedings at law, when pleadings are required, it shall be sufficient to declare generally for work and labor done, and materials furnished on the particular railroad, part or parts thereof, and the city shall be entitled to demand, receive, and recover, in addition to the amount of such charges, interest from the time the same were incurred, and the additional sum of five per cent on such amount, to defray the expense of collection, and which shall be included in any judgment or decree rendered in such action or proceeding. The common council may provide in such ordinance that any officer or employé of such railroad, who shall run, or who shall direct or order the running of any locomotive, engine, or car upon such railroad, in violation of the provisions of such ordinance, shall be punished by fine not exceeding thirty dollars, and in default of the payment thereof, by imprisonment in the jail of Saginaw county not exceeding sixty days;

To require railroad companies to place flagmen, etc.

Twentieth, To require by ordinance, any railroad company operating any railroad in, or passing through said city, to station and keep flagmen at such points and places therein, as in the opinion of the common council, may be necessary for the protection and security of the people of said city, and to prohibit the running of locomotives, engines, and cars, past such points until flagmen are stationed thereat, as required by such ordinance; and to punish by a fine not exceeding thirty dollars, or in default of the payment thereof, by the imprisonment, not exceeding sixty days, in the jail of Saginaw county, of any person who shall be convicted of a violation of any of the provisions of such ordinance: *Provided,* Such ordinance shall not go into effect until thirty days after a copy thereof has been served upon the station agent of such company at Saginaw, or upon a conductor in the employ of such railroad company;

Proviso.

Indecent exposure of person, obscenity, etc.

Twenty-first, To prohibit and prevent any indecent exposure of the person; the sale, or exhibition of any indecent or obscene books, pictures, or pamphlets, to prohibit all indecent or obscene exhibitions or shows of every kind, and all indecent, immoral, profane, or disorderly conduct or language; and to prohibit or regulate bathing in any public waters within or adjoining said city:

Twenty-second, To establish, regulate, and maintain one or more pounds, and to restrain and prevent, or regulate the running at large of horses, cattle, swine, and other animals, geese, and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding ; To establish pounds, and restrain animals, etc., from running at large.

Twenty-third, To prevent every species of gaming, and to prevent the violation of the Sabbath, and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose ; Gaming. Sabbath.

Twenty-fourth, To protect and regulate all cemeteries or grave-yards within the city, and all such without the limits thereof, as said city may own or acquire, and to regulate the burial of the dead, and the keeping of bills of mortality ; Cemeteries and grave-yards.

Twenty-fifth, To prohibit the bringing or leaving within the limits of said city any dead carcass, or other unwholesome or offensive substance, and to provide for the removal or destruction thereof, wheresoever found ; Removal of unwholesome substances.

Twenty-sixth, To lay out, establish, make, alter, and regulate market-places, market-places and public parks and grounds, and regulate the measuring and selling of fire-wood, and the weighing and selling of hay, and the selling of meats, vegetables, fish, fruit, and provisions of all kinds ; Market places.

Twenty-seventh, To regulate the placing of signs and awnings, and the setting of awning, telegraph, telephone, and other posts ; to direct and regulate the planting of shade or ornamental trees in the streets and other public grounds, and to provide for the preservation of the same ; and to order the removal of willow trees whose roots obstruct any sewer, and by ordinance to prevent the planting of such trees in the streets and near any sewer of said city ; Signs, awnings, shade trees, etc.

Twenty-eighth, To provide for calling meetings of the electors of the city, and to determine and regulate the compensation of all officers elected or appointed under this act, except as is herein otherwise provided ; but the compensation of no officer fixed by an annual or periodical salary shall be increased or diminished during the term for which he was elected or appointed, unless by a two-thirds vote of the common council, to authorize and regulate the demand and receipt by officers of such fees and costs, and in such cases as the common council may deem reasonable, and to prescribe, fix, determine, and regulate the powers and duties of all officers of the city, subject to the provisions of this act ; Meetings of electors. Compensation of officers, their duties and powers.

Twenty-ninth, To survey, ascertain, and establish the boundaries of the city, and of all highways, streets, avenues, lanes, alleys, parks, squares, and spaces in said city ; to prohibit and remove all encroachments upon the same in any manner, and to number the buildings ; To ascertain and establish boundaries, etc.

Thirtieth, To license and regulate the keeping of hotels, taverns, public houses, saloons, and victualing and other houses or places for furnishing meals, food, or drink, and the keepers of billiard tables and pin alleys ; also to license and regulate auctioneers, hawkers, peddlers, and pawnbrokers, and regulate auctions, hawking and pawnbrokerage ; To license hotels, etc. Billiard tables. Auctioneers. Peddlers.

Butchers, shop-
keepers, dray-
men, hackmen,
etc.

Stands for
carriages.

Taxes.

Fines, penalties,
forfeitures, etc.

To provide for
employment of
prisoners.

General author-
ity to enact
ordinances.

Thirty-first, To license and regulate butchers, and the keepers of shops, stalls, and stands for the sale of meats, vegetables, and provisions of all kinds, and all draymen, common teamsters, hackmen, and all persons who carry or transport persons or property for hire; to designate stands for all carriages, carts, or drays used in carrying persons or property for hire, and prescribe their fares and compensation;

Thirty-second, To assess, levy, and collect taxes, for the purposes of the corporation, upon all property made taxable by law for State purposes, which taxes shall be liens upon the property taxed until paid; to appropriate money, provide for the payment of the debt and expenses of the city, and make regulations concerning the same;

Thirty-third, To provide by ordinance for the punishment of all violations of or offenses against this act, or any by-law or ordinance of the city, adopted or passed under this or any other act of the legislature, by holding to bail for good behavior, by imposing fines, penalties, forfeitures, and costs, and by imprisonment in the jail of Saginaw county, or the State house of correction and reformatory at Ionia, or in the Detroit house of correction, or any jail, prison, or work-house of said city, or by either, in the discretion of the court or magistrate before whom such conviction may be had. If only a fine, penalty, or forfeiture be imposed, with or without costs, the offender may be sentenced to imprisonment until the payment thereof, for a term not exceeding three months. All punishment for offenses against the ordinances of the city shall be prescribed in the ordinance creating or specifying the offense to be punished, and no penalty or forfeiture shall exceed one hundred dollars. No fine shall exceed one hundred dollars, and no imprisonment shall exceed three months. And the common council shall have power to make a contract with the city of Detroit, for the reception and detention in the Detroit house of correction of persons sentenced thereto, for a violation of any ordinance of said city;

Thirty-fourth, To provide by ordinance for the employment of all persons imprisoned for the non-payment of any fine, penalty, forfeiture or costs, or for any offense under this act, or any ordinance of the said city, in any jail, work-house, or prison, at work and labor, either within or without the city, or upon any street or public work under the control of the common council; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture, or costs, to pay and discharge the same by such work and labor, and to fix the price and value thereof. The said common council shall have power to make such other by-laws, ordinances, or regulations as they may deem necessary for the safety and good government of the city, or to preserve the health, and protect the persons and property of the inhabitants thereof. They shall also have power to purchase, for the use of the city, so much land without the limits of the city as may be required for the purpose of a cemetery, the same to be located not exceeding four miles beyond the boundary of the city; and in case said council is unable

to agree with the owner or owners for the purchase of such land, they shall have the right to acquire the title to the same for the city, in the manner and by the proceedings, as near as may be, as is prescribed in this act relative to laying out or altering streets, lanes, or alleys.

SEC. 8. The common council shall have power to make all such fire protection, by-laws, and ordinances, as in the opinion of the council may be necessary or proper to secure the city and its inhabitants against damage by fire. To compel the owners and occupants of buildings within the city to procure and keep in readiness such number of fire escapes and fire buckets. To establish, maintain and regulate all such fire engines, hook and ladder, hose and bucket companies, as may be deemed expedient. To construct reservoirs, and to provide such companies with necessary and proper buildings, engines, and other implements to prevent and extinguish fires. To appoint from among the inhabitants of firemen. the city such number of persons as may be deemed proper to be employed as firemen, and every such company shall have power to appoint its own officers, and to pass such by-laws for its organization and government, as may be approved by the common council, and to impose and collect such fines for the non-attendance, or neglect of duty of its members, as may be deemed proper. And every person belonging to such companies may obtain from the controller a certificate thereof which shall be *prima facie* evidence of the holder's membership for one year from the date thereof. And every member of such companies, during his membership, shall be exempt from service upon juries, from military duty during time of peace, and from the payment of a poll tax. Exemptions of from Juries, etc.

SEC. 9. It shall be the duty of each company mentioned in the foregoing section, to keep in good order and repair, its fire engine, hose, ladders, and other implements; to assemble at least once in each month for the purpose of working its engine, and upon any alarm or breaking out of fire within said city, each company shall forthwith assemble at the place of such fire, with its fire engine and implements, and be subject to the orders of the chief engineer of the fire department. Duties of fire companies, etc.

SEC. 10. Upon the breaking out of any fire in said city, the marshal shall immediately repair to the place of such fire, and aid and assist in extinguishing the fire, and in preventing any goods or property from being stolen or injured, and in protecting, removing and securing the same, for which purpose he may require the assistance of all bystanders; and in the performance of such duties, the marshal shall, in all respects, be subject to the orders of the mayor. Duty of city marshal in case of fire.

SEC. 11. The common council shall have power, and it shall be their duty, to adopt measures for the preservation of the public health of said city; to restrain or prohibit the exercise of any unwholesome or dangerous avocation within the limits thereof; to Preservation of public health.

regulate and prescribe, by ordinance, the location of all barns, stables, and privies within the city; to establish a board of health, and to invest it with all such powers, and to impose upon it such duties as shall be necessary to secure the inhabitants of the city from contagious, malignant, and infectious diseases, and to provide for its proper organization, and for the appointment of proper officers; to make all such by-laws, ordinances, and regulations for the government of such board of health, and for the preservation of the health of the inhabitants of the city, and shall secure a prompt and efficient discharge of the duties imposed upon the common council by this act.

**Common council
Judge of election
of its members.** SEC. 12. The common council shall be the judge of the election and qualifications of its own members, and shall have power to determine contested elections, to determine the rules of its proceedings, and pass all by-laws and rules necessary and convenient for the transaction of business, not inconsistent with the provisions of this act.

Bonds of officers. SEC. 13. The common council may, at any time, require any officer, whether elected or appointed, to execute and file with the controller of the city, new official bonds in the same, or in such further sums, and with new and such additional securities as such council may deem requisite for the interests [interest] of the city.

**Vote required to
pass ordinances,
etc., generally.** SEC. 14. The concurrence of a majority of all the aldermen elect shall be necessary to pass, adopt, or carry any ordinance, resolution, or motion, except a motion to adjourn. Any resolution or motion adopted or carried by a *viva voce* vote, shall be conclusively presumed to have been adopted, or carried, by the proper vote, unless the ayes and nays shall be called for. No ordinance granting rights, privileges, or franchises, to any person or corporation, shall be adopted, amended, or repealed without the concurrence of two-thirds of all the aldermen elect.

**Common council
may grant right
of way through
streets, etc.** SEC. 15. The common council shall have power to grant the right of way, through any of the streets of said city, to railway companies, by a two-thirds vote of the council, but such grant shall not give any railway company, except street railway companies, the right to lay its track in the street, until it shall have obtained the right to do so from the owners of the lands and premises lying thereon, either by purchase, or by legal proceedings.

**Authority and
duties of com-
mon council in
reference to
taxes, poor, etc.** SEC. 16. The common council is hereby authorized and required to perform the same duties in and for said city, as are by law imposed upon the township boards of the several townships in this State, in reference to school taxes, county and State taxes, the support of the poor, and State, district, and county elections, and the justices of the peace, controller, director of the poor, and all other officers of said city who are required to perform the duties of township officers of this State, shall take the oath, give the bond, perform like duties, and receive the same pay therefor, and be subject to the same liabilities as is provided for the corresponding township officers, except as is otherwise provided in this act.

**Style of
ordinances.** SEC. 17. The style of all ordinances of the common council shall be: "It is hereby ordained by the common council of the city of

Saginaw," and all prosecutions for offenses arising under this act, or any by-law, ordinance, or regulation of the common council, shall be in the name of the city of Saginaw.

SEC. 18. For the purpose of defraying the expenses, and all other liabilities of the city, except the bonded debt thereof, and the interest thereon, and paying the same, the common council may raise, annually, by tax levied upon the real and personal property within said city, such sums as they may deem necessary, not exceeding one per cent on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll of the year preceding the levying of such tax, and the common council may, in addition thereto, levy such sum, not exceeding one-half of one per cent of the valuation of the preceding year, as they may deem necessary, for highway purposes, which shall be raised, assessed, and collected on the same roll, and in the same manner as other taxes authorized by the general laws of the State. If the said common council shall deem it expedient, for the purpose of the city, to levy a larger tax than is allowed by this section, they may, by giving ten days' notice, by publishing the same in a newspaper published in said city, and posting a notice thereof in three public places in each ward, call a meeting of the inhabitants of said city, at some place therein, who may then and there vote to levy, assess, and collect a further money tax upon all the real and personal property in said city, in such sum as the meeting shall direct, and such taxes shall be levied, assessed, and collected in the same manner as is provided for the levying or collection of other taxes mentioned in this act: *Provided*, That no person shall vote at such meeting who is not a property-holding tax-paying elector of said city. The mayor, or in his absence the recorder of said city, shall preside at such meeting, and the officer presiding thereat shall report and certify the result of the vote had at such meeting to the common council at the next meeting thereafter, and such report and certificate shall be placed on the journal of the common council.

SEC. 19. Whenever the common council shall be authorized by a vote of the property-holding tax-paying electors of said city to raise a larger sum for city or highway purposes than the council is authorized to raise by the preceding section, the controller shall add such sum to the amount ordered by the common council to be raised for that purpose, and place the amount thereof on the next general tax roll of the city, as other taxes are apportioned thereon.

SEC. 20. The common council may by ordinance provide for the levy and collection of all taxes and assessments necessary to be raised, in and for said city, or for the payment of any local improvement therein, except as otherwise provided for in this act, and all proceedings relative to the sale of personal property, and to the sale of real estate for such taxes or assessments shall be in conformity, as near as may be, to the provisions of law regulating the sale of lands delinquent for township taxes.

SEC. 21. It shall be the duty of each alderman of the city to attend all meetings of the common council, and to act upon com-

Raising of
money by taxa-
tion for defray-
ing expenses,
etc.

Not to exceed
one per cent.

Tax for highway
purposes.

When larger tax
may be levied,
question to be
submitted to
vote, etc.

Provided.

Proviso.

When larger sum
authorized, to be
added to amount,
etc.

Levy, collection,
and assessment.

Duties and com-
pensation of
aldermen.

mittees when appointed thereon; and to arrest, or order the arrest, of all persons in his presence violating any law of this State, or any law, ordinance, by-law, or police regulation of the city, and to report to the mayor all officers guilty of any official misconduct or neglect of duty, and to perform all duties required of him by law, and he shall be entitled to one dollar for actual attendance at any meeting of the common council, to be certified by the controller to the treasurer quarterly, and paid out of the contingent fund. Any alderman who shall be absent from the regular meetings of the common council for four consecutive regular meetings, except in case of sickness of himself, without permission from the common council, shall be deemed to have resigned, and the office he held shall be deemed vacant.

**When office
deemed vacant.**

SEC. 22. It shall be the duty of the common council, on or before the third Monday in October in each year, to determine by resolution and order the amount necessary to be raised by tax for city purposes for such year for highway purposes, for the payment of the interest on and principal of the city indebtedness coming due before another assessment for that purpose may be ordered and collected, and the amount to be raised as certified by the board of education for school purposes, the payment of school indebtedness and interest thereon.

**How moneys
drawn from
treasury.**

SEC. 23. All moneys drawn from the treasury shall be drawn in pursuance of an order of the common council by warrant signed by the mayor and countersigned by the controller; such warrant shall specify out of what fund it is to be paid, and the treasurer shall keep an accurate account, under appropriate heads, of all moneys that may come to his hands and of all the warrants paid by him, and his books shall be open to the inspection of any member of the common council of the city, or any person appointed by the common council for that purpose. The treasurer shall exhibit to the common council at their first regular meeting in the month of March, and at such other times as the council may require, a full and fair account of the receipts and expenditures from and after the date of the last annual report and the amount of money in the treasury, which account shall be referred to a committee for examination, and if found to be correct shall be filed: *Provided*, City officers who receive a fixed salary shall be paid monthly on the certificate of the controller.

**Annual account
of treasurer.**

Proviso.

**Other rights,
duties, etc., of
officers.**

**Bonds of city,
when and how
may be issued.**

SEC. 24. In addition to the rights, powers, duties, and liabilities of officers prescribed in this act all officers, whether elected or appointed, shall have such other rights, powers, duties, and liabilities subject to and consistent with the provisions of this act, and shall give such security as the common council may deem expedient and prescribe by ordinance or resolution.

SEC. 25. Whenever the common council shall deem it necessary to issue the bonds of the city for any purpose, except as provided in title three of this act, they shall call a meeting of the property-holding tax-payers of the city, being electors thereof, by posting notices in five conspicuous places of said city at least eight days previous to the time of said meeting, giving notice of the time and

place of such meeting, also specifying the amount of, not exceeding twenty-five thousand dollars, and the object for which it is proposed to issue such bonds. The mayor, or in his absence, the recorder, shall preside at such meeting, and the electors present shall choose, *viva voce*, from among their number the inspectors and clerks of such election, who shall, before proceeding to the discharge of their duties, take an oath or affirmation faithfully to discharge the duties of their respective offices at such election, which oath or affirmation may be administered by any person authorized to administer oaths. The votes cast at such election shall be by ballot, and the election shall be conducted and the votes canvassed in the same manner, as nearly as may be, as at other elections under this act. At the close of such election, the inspectors shall make two certificates of the number of votes given for and against such issue of bonds, one of which shall be forthwith deposited with the controller of said city, and the other filed in the office of the county clerk of the county of Saginaw: *Provided*, That not more than two such meetings shall be called in one year.

SEC. 26. Whenever the common council shall be authorized by a vote of the tax-payers, as aforesaid, they may issue the bonds of said city for the amount so authorized, and provide for the payment of the principal and interest thereon, and for this purpose shall annually levy, assess, and collect on the assessed value of all the real and personal estate in said city, made taxable by the laws of this State, taxes for this purpose, not to exceed in amount a sum sufficient to pay the interest and principal of such bonds as the same become due.

SEC. 27. The common council shall provide by ordinance for the creation and appointment of a board of water commissioners, and prescribe the powers and duties thereof; and in such ordinance shall fix the number of members of which such board shall consist, and their terms of office, and they shall be appointed as other city officers are appointed. Such board shall have the charge of the water-works of said city, and the sole power to expend such sums of money as the common council shall, from time to time, place at its disposal for the maintenance and management of the water-works of the city, and the extension of the water pipes. The board of water commissioners shall not have power to incur any indebtedness against the city, beyond the amount placed at its disposal by the common council; and the common council shall cause to be paid all bills legally incurred and audited by said board, not exceeding the amount previously placed at the disposal of said board. The common council shall have power, either by ordinance or resolution, to fix the rates to be paid by consumers of water, and the salaries of the employés of said board, or to authorize said board to fix such rates.

SEC. 28. The common council may construct, grade, gravel, plank, or repair any street, road, or highway, without the corporate limits of the city, leading to the burying ground, or cemetery, owned by it, and may join with the township of Saginaw in constructing, grading, graveling, planking, or repairing, from time to

time, any such street, road, or highway leading to such burying ground, or cemetery, on such terms and conditions as may be agreed upon with the township board of said township.

Board of sewer commissioners.

SEC. 29. The common council shall have power, by ordinance, adopted by a vote of two-thirds of all the aldermen elect, and approved by the mayor, to create and provide for a board of sewer commissioners, and, from time to time, to fix and prescribe the powers and duties of such board.

Council may contract for deposit of city moneys, etc., with certain bank, etc.

SEC. 30. The common council shall have power, by a two-thirds vote of all the aldermen elect, to enter into a contract with any bank, banker, or bankers, doing business in the city of Saginaw, to receive on deposit, and pay interest on any money in the city treasury belonging to the city, and to receive from any such bank, banker, or bankers, such security, by way of bond, or otherwise, for the safe keeping and prompt paying over of such money, and the interest thereon, on the order of the city treasurer, as the common council may, by resolution, adopted by a two-thirds vote of all the aldermen elect, approved by the mayor, demand and approve.

Security.

Such contract being made and filed with the controller, and the security for the faithful performance thereof being approved, and filed with the controller, and such contract and security entered and recorded at length upon the journal of the common council, in the proceedings of the meeting at which the security was approved, the common council shall have power, by resolution, to direct the city treasurer to deposit with such bank, banker, or bankers, all money of the city in, and thereafter coming into his hands, during the time fixed in such contract, and the city treasurer and his bondsmen shall not be liable for any loss the city may sustain from, or by reason of, any defalcation of such bank, banker, or bankers.

Contract may be terminated.

In any contract for the deposit of the city funds, made in pursuance of the authority herein given, the common council shall reserve the right to terminate the same, and to withdraw such deposits, and remit the same to the custody of the city treasurer, at its pleasure, by a two thirds vote of all the aldermen elect. Money so deposited shall be drawn only on the order of the city treasurer, and he shall draw the same only when he is authorized to pay the same according to the provisions of law, or directed by the common council to withdraw such deposits in the manner above provided.

Money deposited, how drawn.

SEC. 31. The common council shall have power, by ordinance, to provide for and maintain a city jail, and to appoint a keeper thereof. All persons who may be lawfully sentenced, or committed to imprisonment by any justice of the peace of said city, or any officer thereof, may be imprisoned and confined in such jail, and all provision of law relative to detaining prisoners in county jails, and to escaping, or assisting persons lawfully confined therein, to escape therefrom, shall apply to such jail.

Partition walls, chimneys, etc.

SEC. 32. The common council shall have power, by ordinance, to regulate the building of partition walls, and to prescribe the thickness thereof, and the manner of construction; to regulate the construction of chimneys; to regulate partition fences, and to prescribe the duties of adjoining owners in relation thereto.

Partition fences.

SEC. 33. In case any alderman, of any ward, shall be absent from the city on any day fixed by law for the registration of electors, or unable to discharge his duties on the board of registration, the common council may by resolution appoint some elector of such ward to serve on such board; and in case the common council shall fail to make such appointment the same shall be made by the mayor; and the person so appointed shall take and file with the controller the constitutional oath of office.

SEC. 34. The common council shall have such other powers of a local, legislative, and administrative character, as may be necessary to carry into effect the powers expressly conferred by this act, and for the good and efficient government of said city, not inconsistent with the general laws of this State; and in the exercise thereof may pass such ordinances as may be necessary to that end.

SEC. 35. The common council, by a vote of three-fourths of all the aldermen elect, may provide by ordinance for the collection of special assessments for local improvements. Such ordinance shall conform, as near as may be, to the general law of the State for the collection of taxes levied and assessed thereunder; and when such ordinance is duly adopted, special assessments for local improvements, at the option of the common council, may be collected in the manner therein provided for, or in the manner provided for in title three of this act.

SEC. 36. The common council shall have power to regulate the cutting of ice, cutting of holes in the ice of the Saginaw and Tittabawassee rivers, within the limits of said city, and to prescribe the protection or guards that shall be placed around any holes cut in the ice of said rivers for any purpose.

SEC. 37. The common council shall have power, by ordinance, to require the owners of lots in said city, to plant shade and ornamental trees in the streets, in front thereof; and to provide for making the cost of such planting a charge against the owners of such lots, and a lien thereon; and to regulate the planting of shade trees in the streets of the city, and to provide for the preservation thereof.

SEC. 38. The common council shall have power to build and maintain a bridge across the Saginaw river, at any point in said city south of Ames street, and to acquire the right of way, four rods wide, as and for a public highway over any lands without said city necessary to connect such bridge with an existing highway, or street, in the manner provided in the fourth title of this act, and with the same force and effect as if the lands required therefor were within said city; and shall have power to keep such approach to such bridge in repair; and the common council shall also have power to purchase any bridge across said river, and to maintain and keep the same in repair: *Provided*, Before any such bridge shall be built or purchased, the question of raising by tax the money, or issuing the bonds of the city to pay therefor, shall be submitted to the property-holding tax-paying electors of said city, in the manner provided in this act; and no bridge shall be built or purchased as aforesaid, unless a majority of such electors, voting on the question, shall vote in favor thereof.

Registration in
wards, when
alderman is
absent.

Further powers
of common
council.

Special assess-
ments for local
improvements.

Provide for
planting of
shade trees.

Provisions for
building bridge
across Saginaw
river, and main-
taining same.

Proviso.

TITLE III.

RELATIVE TO LOCAL IMPROVEMENTS.

Expense of local improvements, how apportioned, etc.

SECTION 1. The common council shall have power to cause the streets, highways, lanes, and alleys of the city to be graded, paved, planked, graveled, and lighted, and to make drains, ditches, and sewers, and other local improvements, and to keep the same in repair. One-third the expense of grading, paving, planking, and graveling streets and highways, and of making ditches, drains, and sewers shall be paid out of the general highway fund, and two-thirds thereof shall be assessed upon and against such lots, blocks, and premises as in the opinion of the common council are benefited thereby, and against the owners or occupants thereof, in proportion to the extent that such lots, blocks, and premises, in the opinion of the common council, are respectively benefited by such improvement. The expense of making other local improvements shall be paid out of the general highway fund, or be assessed upon the property, in the opinion of the common council, benefited thereby, or partly out of the general highway fund, and partly by such assessment as the common council shall direct: *Provided*, When the expense of making or cleaning out any surface ditch or drain shall not exceed the cost of fifty cents per lineal rod, the same may be paid out of the general highway fund, if the common council shall, by resolution, specifically so direct.

Proviso.

- Plans, etc., of improvements to be filed in controller's office.

SEC. 2. Whenever the common council shall determine that it is necessary to grade, pave, plank, or gravel any street, highway, lane, or alley, or to construct any ditch, drain, or sewer, they shall cause detailed plans and specifications of the work to be done, and of the materials to be furnished, to be prepared by the city surveyor, or some other competent person, and filed in the office of the controller, which shall be open to the inspection of all persons. Before any contract is made for such improvement, the controller, under the direction of the common council, shall advertise for sealed proposals therefor, in some newspaper printed and circulated in said city, and shall cause notice thereof to be posted in six public places in the city, at least ten days before the time fixed for opening such proposals, and such advertisement and notices shall state the time when, and the place where, such proposals will be opened. The controller shall present to the common council due proof of the publication and posting of such notices before action thereon. Such work, and the furnishing of materials therefor shall be let to the lowest responsible bidder, but the common council shall have the right to reject any and all bids: *Provided*, The omission to publish, or to post the notices required by this section, or any defect therein, shall not affect the validity of any contract or assessment authorized by this title.

Rejection of bids.

Proviso.

Contract to be made upon acceptance of bids.

SEC. 3. When any such bid has been accepted, the controller, when so directed by the common council, shall enter into a contract for, and in the name of the city, for the doing of such work, and furnishing the materials therefor, and such contract shall provide among other things, that, upon the completion of the work therein mentioned, according to the terms thereof, the contractor

shall be paid in money, one third of the amount due him on his contract, and on the return of the special assessment roll herein provided for, he shall be paid the other two-thirds, either in money or in the "special improvement bonds" of said city, to be issued pursuant to the provisions of this title, or partly in money and partly in such bonds, as the common council may determine. The contractor shall give security, satisfactory to the mayor, for the faithful performance of his contract, and such security and the approval thereof shall be endorsed on such contract. No such contract shall be entered into later than the 15th day of September in any year.

SEC. 4. As soon as practicable after making any such contract, the common council shall direct the controller to make out and report to the common council, for consideration, a special assessment upon and against the lots, blocks, and premises in his opinion benefited by such improvement, and against the owners or occupants thereof, so far as the same may be known; and when any lots, blocks, and premises are unoccupied, and the owners thereof are unknown, they shall be assessed as non-resident.

SEC. 5. On the presentation of such special assessment roll, the common council shall fix a time and place for the consideration thereof, and the controller shall publish in some newspaper printed and circulated in said city, once a week for three successive weeks, a notice of the time and place so fixed for the consideration of such special assessment roll.

SEC. 6. At the time and place fixed for the consideration of such special assessment roll, or at some subsequent time to which the consideration thereof may be adjourned, the common council shall examine and take the same into consideration, and may adopt, ratify, and confirm the same as reported, or make such changes therein, or additions thereto, as in the opinion of the council will justly apportion the expense of the improvement equally upon the lots, blocks, and premises benefited thereby, in proportion to the benefit they will thereby respectively receive, and any person interested therein, may be heard in person, and by counsel. The common council may set any special assessment aside, and direct a new one to be reported as aforesaid, and the proceedings upon such subsequent assessment shall be the same as herein provided for the one first to be reported. Such special assessment, when confirmed by the common council, by resolution in due form, shall be conclusively deemed an assessment by the common council, and the several amounts assessed upon and against the several lots, blocks, and premises on such special assessment roll, shall be a lien thereon, and a personal charge against the owners or occupants thereof severally, from the time such special assessment roll was confirmed as aforesaid.

SEC. 7. When any such special assessment roll has been confirmed by the common council, in the manner herein provided for, the controller, except as hereinafter mentioned, shall immediately endorse his warrant thereon, directing the treasurer of said city to collect from the several persons therein named, the sums of money

assessed against them respectively, and from the owners of the lots, blocks, and premises therein marked "non resident," the sums assessed upon and against them respectively, within thirty days from the date of such warrant, and deliver such special assessment roll, with his warrant thereon as aforesaid, to the city treasurer. The treasurer shall be entitled to add to, and to demand and receive two per cent upon each assessment upon such roll that shall be paid to him as his fees for collecting the same; and during the said thirty days he shall demand of the persons whose names appear on such roll, and who can be found by him in said city, the sums assessed against them respectively, and shall receive payment from any person of any assessment, that may be tendered him, with his fees for collection, and give his receipt therefor, and mark such assessment "paid" on such roll.

Fees for collection.

On the return day of the warrant the treasurer shall return such special assessment roll to the controller, with a statement in writing endorsed thereon, or securely attached thereto, showing what assessments have been paid, and what remain unpaid, and such return and statement shall be verified by the oath of the treasurer.

Return of roll, and endorsement thereon.

The controller shall give the common council notice of such return at the next meeting thereafter: *Provided*,

Notice of return of roll.

When any special assessment roll shall be confirmed, as hereinbefore provided for, between the twenty-fifth day of October and the third day of January next following, the controller shall not annex his warrant thereto, or deliver the same to the treasurer until after the said third day of January, but shall do so immediately thereafter. While such special assessment roll shall remain in the hands of the controller, he shall receive, and give his receipt for any assessment thereon, payment of which shall be tendered him, and shall pay the same into the city treasury, and mark such payment on such roll.

Proceedings when roll returned with assessments unpaid.

SEC. 8. When any such special assessment roll has been returned as herein provided for with any assessment or assessments thereon unpaid, the common council shall by resolution determine whether the same shall be made payable all at one time, or in two or three installments. If it be determined that such returned assessment or assessments shall be made payable all at one time, the controller shall add interest to each of such returned assessments, at the rate of seven per cent per annum, from the return day of such special assessment roll to the first day of February next thereafter, and place the amount thereof upon the next general tax roll of said city opposite the description of land upon which, and the name of the person against whom, such assessment appeared upon the original special assessment roll, and in a column by itself to be headed "special improvement tax."

When in two installments.

If it be determined that such returned special assessments shall be made payable in two installments, the controller shall divide each of such assessments into two equal parts, and to one of such parts of each assessment he shall add interest at the rate and for the time aforesaid, and place the amount thereof upon the next general tax roll of said city in such column and manner as aforesaid; and to the other one-half of each of such assessments he shall add interest at the rate aforesaid, from the return day of such assessment roll to

the first day of the second February thereafter, and place the amount thereof on the second general tax roll of said city thereafter, in such column and manner as aforesaid. If it be determined that such returned special assessments shall be made payable in three installments, the controller shall divide each of such assessments into three equal parts, to be known as the first, second, and third installments, and to the first installment he shall add interest at the rate aforesaid from the return day of such assessment roll to the first day of February next thereafter, and to the second installment he shall add interest at the rate aforesaid, from the return day of such assessment roll to the first day of the second February thereafter; and to the third installment he shall add interest at the rate aforesaid from the return day of such assessment roll to the first day of the third February thereafter. The first installment, with the interest added as aforesaid, shall be placed on the first general tax roll of said city thereafter; the second installment, with interest added as aforesaid, on the second general tax roll of said city thereafter; and the third installment, with the interest added as aforesaid, on the third general tax roll of said city thereafter, respectively, in such column and manner as aforesaid. Such special assessments, and each installment thereof, and the interest thereto added in the manner aforesaid, when placed upon the general tax roll of said city as aforesaid, shall be and continue to be a lien upon the lots, blocks, and premises upon which such assessments were originally made, and shall be deemed duly assessed and levied thereon upon such general tax roll, and shall be a personal charge against the owners and occupants thereof respectively, from the time the same were confirmed by the common council, and they shall draw interest, be dealt with, returned, and the collection thereof enforced, in the same manner as other taxes levied on such general tax roll of said city, and land returned delinquent therefor proceeded against and sold, in the same manner and with the same effect as lands on such roll returned delinquent for other taxes are proceeded against and sold. When any taxes or assessments levied upon any land in the city of Saginaw shall be returned to the county treasurer unpaid, and proceedings are instituted on the part of the State to enforce the collection thereof, it shall be the duty of the city attorney of said city in behalf thereof, to appear before the court when the petition for a decree against the lands upon which such taxes or assessments were levied is brought on for hearing, and assist the prosecuting attorney of Saginaw county in the prosecution of such proceedings, so far as said city may be interested therein. After the return of any special assessment roll as hereinbefore provided for, any person may pay to the controller any assessment thereon, or any installment thereof, with two per cent collection fees thereto added, which has not been placed upon the general tax roll of said city, and the controller shall give his receipt therefor, and pay the same into the city treasury; and interest shall be computed on, and added to assessments so paid, up to the time of such payment; all special assessments authorized by this title, when collected and paid into the city treasury, shall be placed to the credit of the "special improvement fund."

When collected
to be paid to
city treasury.

When in three
installments.
When install-
ments to be
placed on gen-
eral tax-roll of
city.
Continue to be
lien.
Duty of city
attorney when
taxes returned
to county treas-
urer unpaid.

Special improvement bonds.

SEC. 9. Whenever it has been determined, in the manner provided for in the preceding section, how any returned special assessments shall be made payable, the common council for the purpose of raising so much of the money to pay for the improvement for which such assessment was ordered, as remains uncollected, shall cause to be issued "special improvement bonds" of the city for an amount equal to the aggregate amount of such uncollected special assessments, and shall cause the same to be sold for money, but not for less than the face value thereof, and the proceeds thereof placed to the credit of the "special improvement fund," or such bonds delivered to the contractor on account of whose contract they were issued, if his contract is fully performed, in payment of any balance due on his contract. If it shall have been determined, in the manner provided for in the preceding section, that the whole amount of such returned special assessments be made payable at one time, such bonds shall be made payable on the first day of March thereafter. If it shall have been determined that such returned assessments be made payable in two installments, one-half of such bonds in amount shall be made payable on the first day of March next thereafter, and one-half thereof in amount on the first day of the second March thereafter. If it shall have been determined as aforesaid, that such returned special assessment or assessments be made payable in three installments, one-third of such bonds in amount shall be made payable on the first day of March next thereafter; one-third thereof in amount on the first day of the second March thereafter, and the other one-third thereof in amount on the first day of the third March thereafter.

What bonds to contain, rate of interest, etc.**Proviso.****Money belonging to "special improvement fund" not to be diverted.**

SEC. 10. The bonds provided for in the preceding section shall draw interest at the rate of seven per cent per annum; they shall be dated and numbered in the order of their issue, show for what improvement they were issued, be under the seal of the city, and shall be signed by the mayor and countersigned by the controller, be made payable at the office of the city treasurer, and shall cease to draw interest after maturity unless they shall have been presented for payment, and payment thereof refused. The controller shall keep a correct account of such bonds, in a book to be provided for that purpose, showing the date, number, and amount thereof, for what improvement issued, and when payable; and when such bonds are paid, the fact and date thereof shall be noted on such record: *Provided*, Not more than twenty-four thousand dollars in amount of such bonds shall be issued in any one year, and the amount thereof outstanding shall not at any time exceed fifty-six thousand dollars; and no such bonds shall be issued between the twenty-fifth day of November and the third day of February following.

SEC. 11. No money belonging to the "special improvement fund" shall be used for any other purpose than to pay for such improvements and the principal and interest of the bonds issued therefor, so long as any such improvements remain unpaid for, or any such bonds remain outstanding. If at the maturity of any of the "special improvement bonds" there shall not be sufficient money in the "special improvement fund" to pay the same, the common council may direct a transfer from the highway fund or contingent

fund to the "special improvement fund" of such sum as may be necessary for the payment of such bonds, and the same shall be restored to the fund from which it was taken as soon as the "special improvement fund" will admit thereof.

RELATIVE TO SIDEWALKS.

SEC. 12. It shall be the duty of all occupants and owners of lots, blocks, or premises in the city of Saginaw, at their sole cost and expense, under and according to the directions of the common council, to build, maintain, and keep in repair all sidewalks on the streets in front of and adjacent to the lands and premises owned or occupied by them.

SEC. 13. The common council shall have power by resolution to prescribe the grade, width, and character of any and all sidewalks, and the materials of which, and the time within which the same shall be constructed or repaired by the person whose duty it is to construct, maintain, and repair the same.

SEC. 14. When the common council shall have adopted a resolution ordering any sidewalk to be built or repaired, it shall be the duty of the street commissioner immediately thereafter to cause a copy of such resolution to be served upon each owner or occupant of the lots, blocks, or premises where such work is ordered, and such service may be made by leaving the same at such owners' or occupants' usual place of residence, or to cause a copy of such resolution to be published once a week for two successive weeks in some newspaper printed and circulated in said city. The street commissioner shall present to the common council proof by affidavit of the service of such notice, when personally served, and of the publication thereof when published, and such affidavit, so far as any tax or assessment may be affected thereby, shall be deemed conclusive proof of the facts therein stated. The time within which such sidewalk is ordered to be built, or repaired, shall commence to run from the day of such service as aforesaid, or when published, from the last day of publication.

SEC. 15. When the common council has ordered any sidewalk to be constructed, or repaired, as aforesaid, it shall be the duty of the street commissioner to see that the same is done according to the terms of the resolution ordering the same. If the same, or any part thereof shall not be done within the time, and in the manner ordered, the street commissioner shall report the fact to the common council at the next meeting after the expiration of such time, and his report shall be verified by his affidavit. The common council shall thereupon direct the street commissioner to advertise for sealed proposals for the completion of the unfinished portions of such sidewalk, and for furnishing materials therefor. The street commissioner shall cause an advertisement for such proposals to be posted in six public places in said city ten days before the proposals are to be opened, and such advertisement shall state when and where such proposals will be opened, and the street commissioner shall file with the controller due proof by affidavit of the posting of such notices. The proposals shall be

*Owners and
occupants to con-
struct sidewalks,
etc.*

*Grade and
material of*

*When construc-
tion, etc., of
ordered, notice
to be given.*

*Proceedings in
case of failure to
construct, etc.,
by owners or
occupants.*

opened by the controller, at the time and place fixed therefor, and shall be by him submitted to the common council at the next meeting thereafter, and the controller, when so directed by the common council, shall enter into a contract for the city, with the lowest responsible bidder for the completion of such work, and the furnishing the materials therefor, who shall furnish security satisfactory to the controller, for the faithful performance of his contract, and such security, and the controller's approval thereof, shall be endorsed on such contract.

Assessment in case of failure of owner or occupant to construct.

SEC. 16. Whenever the controller shall have entered into any contract, as provided in the preceding section, he shall report the fact to the common council, at the first meeting thereafter, and the common council shall thereupon direct the controller to make out, and report to the council for consideration, an assessment upon and against the premises in front of the unfinished portions of such sidewalk, to pay the costs and expense of completing the same, and against the owners and occupants thereof; and when any premises are unoccupied, and the owner thereof is unknown, they shall be described on such assessment roll as "non-resident." Such cost, expense, and the cost of advertising shall be apportioned to such premises in proportion to the frontage of each lot, block, or parcel of land upon the street where the sidewalk is to be completed. On presentation of the assessment above provided for, the common council shall fix a time and place for considering the same; and the controller shall cause notice thereof to be published as provided in section five of this title, and the proceedings for the confirmation thereof shall be as provided for the confirmation of special assessments in section six of this title, except the cost shall be apportioned by frontage on the street, and not according to benefits.

Consideration of assessment.

SEC. 17. When such assessment roll has been confirmed by the common council, the subsequent proceedings thereon, up to and including the return thereof, shall be as provided in section seven of this title, and all assessments thereon shall be a lien upon the premises upon which they are levied or assessed, and a personal charge against the owners or occupants thereof, from the time of confirmation.

Lien.
When assessment-roll has been returned with assessments unpaid.

SEC. 18. When any such sidewalk assessment roll has been returned with any assessment, or assessments thereon unpaid, the controller shall add interest to each of the assessments thereon, at the rate of seven per cent per annum, from the return day thereof to the first day of February next thereafter, and place the amount thereof on the next general tax-roll of said city, opposite the description of land upon which, and the name of the person against whom the same was assessed on the original sidewalk assessment roll, in the column to be headed "special improvement tax," and such assessments, and the charges and interest thereon, when so placed on the general tax-roll of said city, shall be and continue to be a lien upon the lands against which they are severally and respectively assessed, and a charge against the persons opposite whose names they severally and respectively stand, on such general

tax-roll from the confirmation of the original sidewalk assessment roll as hereinbefore provided. And they shall draw interest, be dealt with, returned, and the collection thereof enforced, in the same manner as other taxes levied on such general tax-roll of said city, and land returned delinquent therefor shall be proceeded against and sold at the same time, in the same manner, and with like effect as lands on such roll, returned delinquent for other taxes thereon, are proceeded against and sold.

SEC. 19. No contractor shall have any claim against the city on account of having built any sidewalk, or furnishing materials therefor, as hereinbefore provided for, until after the cost and expense thereof has been collected upon the assessment roll or tax roll as hereinbefore provided, or the lands returned delinquent therefor have been sold.

SEC. 20. No assessment or proceeding authorized by this title shall be held invalid by reason of any insufficient or defective notice, nor by reason of any omission or irregularity of the common council in ordering or confirming such assessment or in relation thereto, which does not affect the merits and equity of such assessment, nor by reason of the omission of any officer of said city to submit, present to, or lay before the common council at the time herein provided therefor, any proof, report, return, or statement required by this title, nor by reason of any omission of the common council to take action at the time prescribed therefor upon any proof, report, return, or statement of any city officer, or in any proceeding or matter relating to such assessment, and such action may be taken at any time thereafter. If from any cause any returned uncollected special assessment shall not be placed upon the general tax roll or rolls of said city at the time or times provided therefor, the same may be placed upon any subsequent tax roll or rolls of said city as may be directed by the common council, with interest thereto added from the return day of such special assessment to the first day of February next after the date of the tax roll upon which the same is placed.

SEC. 21. If any assessment authorized by this title shall be declared void by any court of competent jurisdiction, or in the opinion of the common council shall be void for any reason, the common council shall have power to order a new assessment to be made upon the same property described in the one so declared or held to be void, or any portion thereof, and upon such other property as in the opinion of the common council is or will be benefited by the improvement for which such void assessment was first ordered, and the proceedings upon such subsequent assessment shall be as hereinbefore provided; and any sum or sums paid on the assessment so declared or held to be void, shall be credited upon such subsequent assessment to the property upon which the same was paid: *Provided*, That when an assessment for a sidewalk is declared void as aforesaid, a re-assessment shall be ordered by the common council upon the same property according to frontage upon the street where the sidewalk was built.

Claims of contractors for labor and materials.

Irregularities not to invalidate assessments.

Assessment may be placed upon subsequent tax-rolls.

Re-assessment when assessment declared void.

Proviso.

TITLE IV.

RIGHT OF WAY FOR STREETS, ETC.

Common council
may lay out,
vacate, etc.,
streets, etc.

Necessity for
declared by reso-
lution of com-
mon council.

Notice.

Common council
may agree with
owners for right
of way.

In case of failure
to agree, jury to
be applied for.

Notice of appli-
cation for jury.

List of names to
be written down,
etc.

SECTION 1. The common council shall have power to lay out and establish streets, sewers and drains across any lands within the city, and to acquire the right of way therefor, as provided in this title, and to make and keep the same in repair, and to vacate any street, lane, or alley in the city.

SEC. 2. Whenever the common council shall, by resolution, declare that it is necessary to lay out and establish a street, sewer, or drain across private property, the resolution shall describe with reasonable certainty the lands it will be necessary to take or cross therefor, and shall fix a time and place when and where the council will treat with the owners of such lands for the right of way across the same. The controller shall cause a written or printed copy of such resolution, with a notice calling attention thereto to be posted on or near the lands required, and also in three public places in the city, at least ten days before the time fixed in such resolution.

SEC. 3. At the time and place fixed for treating with the owners of the land required for such street, sewer, or drain, or at some subsequent time to which the matter may be adjourned, the common council may agree with the owners of such lands for the right of way across the same, and take a release from such owners therefor, or from any of such owners.

SEC. 4. If the common council for any reason shall not be able to obtain a release to the city of the right of way for such street, sewer, or drain across all or any of the lands required therefor, in the manner provided in the preceding section, they may direct the city attorney to apply to a justice of the peace of said city to impanel a jury, as hereinafter provided, to determine the necessity for such street, sewer, or drain, and the necessity for taking and using for the public use the property required for such improvement, and the just compensation to be made therefor.

SEC. 5. The city attorney, when directed to make the application mentioned in the preceding section, shall immediately cause a notice of the time and place when and where he will make such application, and the name of the justice to whom the same will be made, to be published in some newspaper printed and circulated in said city, once a week for three successive weeks, before the time fixed for making such application. At the time and place named in such notice for making such application, the city attorney shall present to such justice proof by affidavit of the due publication of such notice.

SEC. 6. On presentation of such application and proof of publication of the notice required by the preceding section, and at the time named in such notice, the justice named therein shall have power, and it shall be his duty, to direct the marshal of said city, or if he be interested in the matter of such street, sewer, or drain, or unable to act, then some constable of said city not interested therein, to prepare and write down a list of the names of twenty-four free-holders, residing in the vicinity of the property required for such

improvement, from whom to select a jury of twelve to determine the necessity for such street, sewer, or drain, and the necessity for taking and using such property for the public use therefor, and the just compensation to be made therefor.

SEC. 7. The marshal, or constable, when so directed, shall then ~~strike~~ ^{jury.} and there write down on such list the names of twenty-four free-holders residing in the vicinity of the property required for such improvement, and submit the same to the said justice. The city attorney, on the part of the city, shall then and there strike off six names from such list, and the owners of the property, and others interested therein, may jointly strike from such list six other names. Should none of such owners be present, or should they fail to agree upon the six names to be stricken off, or for any reason fail to strike them off, the said justice shall then and there strike from such list six names for and on the part of the persons interested in such lands, and the twelve persons whose names remain on such list shall constitute a jury for the purpose expressed in the fourth section of this title, and the said justice shall immediately ~~issue a~~ ^{venire.} issue a *venire* to the marshal, or any constable of said city, commanding him to summon such jurors to appear before him, the said justice, at a time and place therein to be named, to serve as a jury to determine the necessity for such street, sewer, or drain, and the necessity for taking and using such property for the public use therefor, and the just compensation to be made therefor, which *venire* shall be returnable not less than three nor more than six days from the date thereof, and the said justice shall then and there publicly announce when and where such *venire* is made returnable.

SEC. 8. It shall be the duty of the marshal or constable, to whom such *venire* is delivered, to serve the same at least one day before the return day thereof, upon each of the persons therein named, if they can be found by him, within the county of Saginaw, and on the return day therein named to make return thereof, with his doings thereunder. And it shall be the duty of each of such persons upon whom such *venire* is served as aforesaid, to appear before the said justice at the time and place therein named, and to be sworn and serve upon such jury.

SEC. 9. Should such *venire* not be served upon any person or ~~Talesmen~~ persons therein named, or should any one upon whom the same was served, fail to appear at the time and place therein named, the justice shall direct the marshal or constable who served the same, immediately to summon as many talesmen, being freeholders residing in the vicinity of the property proposed to be taken for such improvement, as may be necessary with those appearing to make a jury of twelve, to appear forthwith before the said justice to complete such jury.

SEC. 10. Immediately on completion of such jury, and before ~~Jury to be sworn.~~ entering upon their duties, they shall be sworn by the justice, justly to determine the necessity for such street, sewer, or drain, and the necessity for taking and using such property for the public use therefor, and the just compensation to be made therefor, and

Evidence.

the said jurors, each for himself, shall further swear that he is a freeholder, residing in the vicinity of the property to be taken, and not interested therein; and the said justice shall then and there publicly announce when and where the jury will receive any evidence that may be offered upon the questions they are to determine; and the jury shall have power to adjourn, as may be necessary, for a just examination and determination of the matters submitted to them.

Justice to swear witnesses, and enter proceedings on docket.

SEC. 11. The said justice shall attend the jury, and swear all witnesses that may be offered on the part of the city, and by any one interested in the property proposed to be taken for such street, sewer, or drain, and shall enter on his docket all the proceedings had by and before him, and all orders made by him in the matter of such street, sewer, or drain, and all adjournments of the jury, and shall receive all papers that may be presented to him in such matter, and make return thereof as hereinafter provided.

Jury to view property.

SEC. 12. The jury, before making their final determination, shall view the property proposed to be taken, and if they deem it necessary to establish such street, sewer, or drain, and to take for the public use the property required therefor, they shall determine the just compensation to be made to each owner thereof, and to each person interested therein, as his interest may be made to appear before them; and shall make and subscribe a statement of their determination, wherein the lands so to be taken shall be correctly described, and deliver the same to the justice. If necessary the city attorney may require the city surveyor, or some other competent person, to make a correct survey of the lands to be taken. The jury shall be paid by the city, two dollars per day, and at a proportionate rate for parts of a day.

Determination of, delivered to Justice.

SEC. 13. The justice shall annex to the determination of the jury all the papers in the case that may have been delivered to him, together with a transcript from his docket of all entries and orders appearing thereon, with his certificate that they constitute all the papers, proceedings, orders, and entries in the case, and present them to the common council within fifteen days after the determination of the jury or at the first regular meeting of the common council after that time, and the same shall be entered at length upon the journal of the common council, and when so entered shall be deemed a public record for all purposes. The

Compensation of justices.

justice shall receive for his services, to be paid by the city, two dollars per day while attending such jury, and a proportionate sum for parts of a day, and also such other fees as may be allowed by law for like services in civil cases.

Effect of determination of jury.

SEC. 14. Such determination of the jury shall be deemed a release to the city of the right of way for such street, sewer, or drain, except as hereinabove provided, and on paying or tendering to the persons entitled thereto the compensation awarded by the jury, the city shall have the right to enter upon, occupy, and use the lands therein, described for such street, sewer, or drain: *Provided*, The common council shall have the right by resolution at any time within thirty days after the determination of the jury has been

Proviso.

presented as aforesaid, to abandon all further proceedings in the matter of such street, sewer, or drain, and in that case the city shall not be liable for the compensation awarded by the jury. If no such resolution be adopted by the common council within the time aforesaid, such determination of the jury shall stand as a judgment against the city for the amount of compensation awarded in favor of the persons to whom the same was awarded.

SEC. 15. If for any reason any jury impaneled for the purpose aforesaid fail to agree, they may be discharged by the justice and a new jury may be empaneled on the notice hereinbefore provided for, and thereupon the same proceedings may be had as is provided for in the first instance.

SEC. 16. No determination or award of such jury shall be held invalid because of any merely formal defect in any notice or proceeding required by this title to be given or had.

SEC. 17. No street, lane, or alley shall be vacated or altered unless the person applying therefor shall give notice thereof, naming the time and place, when and where he will apply to the common council to vacate or alter the same, by publishing such notice in some newspaper printed and circulated in said city, once a week for three successive weeks, before the time named for making such application, and by personally serving a copy of such notice upon each occupant of any lot or parcel of land lying upon such street, lane, or alley, ten days before the time of making such application. Upon the hearing of such application all persons in interest may be heard, in person and by counsel, and no street, lane, or alley shall be vacated unless upon good cause shown, and by a vote of three-fourths of all the aldermen elect.

Determination of
Jury valid, notwithstanding
irregularities.

Notice of applica-
tion for vacat-
ing streets, etc.

Hearing of
application.

TITLE V.

MISCELLANEOUS PROVISIONS.

SECTION 1. All State, county, and school taxes in said city, and all city taxes which shall be raised by general tax, shall be levied and collected as near as may be, in the same manner as is provided by law for the assessment and collection of taxes by township officers, and all the proceedings for the assessment and collection thereof, and the return and sale of land delinquent therefor, shall be the same as like proceedings under the general law of this State.

General laws
regulating
taxes.

SEC. 2. No bond, note, or other obligation, or evidence of indebtedness of said corporation shall be given or issued by said corporation, or other indebtedness created against said city, except as expressly provided for in this act, nor by any officer thereof, in his official capacity, whereby the said city shall become obligated to pay any sum of money, but the common council may endorse on all accounts which may be presented against said city, the amount allowed by them thereon.

Issuing of bonds
and evidences of
indebtedness.

SEC. 3. The controller shall, on the first day of March in each year, make out a detailed statement of all receipts and expenditures of the city for the past year, which statement shall state particularly

Annual state-
ment of
controller.

To be filed and published.

upon what account all moneys were received; and it shall also specify all appropriations made by the common council during the year, and the particular purpose for which each appropriation was made; such statement shall be signed by the controller, and be recorded and filed in his office; a copy thereof shall be published in a newspaper printed in said city.

Mayor, powers and duties of.

SEC. 4. The mayor shall be chief executive officer of the city of Saginaw, and conservator of its peace. It shall be his duty to see that all officers of said city faithfully comply with, and discharge their official duties; to see that all laws appertaining to the municipal government of said city, and all ordinances and resolutions of the common council are faithfully observed and executed, and he shall report to the common council any violation thereof within his knowledge. He shall from time to time give the common council such information, and recommend such measures as he shall deem necessary or expedient.

Idea.

SEC. 5. The mayor shall, by virtue of his office, be authorized to take acknowledgment of deeds and other instruments in writing; to administer oaths and affirmations, perform marriage ceremonies, and to do all other like acts which justices of the peace are by law authorized to do, and may affix to any official certificate the seal of the city.

Duties, powers, and responsibilities of recorder.

SEC. 6. The recorder shall by virtue of his office, be authorized to take acknowledgment of deeds, and other instruments in writing; to administer oaths and affirmations, perform marriage ceremonies, and to do all other like acts which justices of the peace are by law authorized to do; and may affix to any official certificate the seal of the city. He shall possess the same powers, and perform and discharge all the duties of mayor during the mayor's absence or inability, and in case of the death, resignation, or removal of the mayor from the city, he shall be acting mayor for the remainder of the term of office. He shall have a seat in, and attend all meetings of, the common council, and may discuss all questions and matters which may come before the council, but shall have no vote therein, except as provided in this act, and he shall act on all committees when appointed thereon.

Powers and duties of controller.

Compensation.

SEC. 7. The controller shall be clerk of the common council, and shall give bond for the faithful performance of his duties in such sum as the common council shall direct; and shall keep a record of their proceedings in proper books provided therefor, and shall open and keep the books of account, and such other books of receipts and expenditures, as the common council may direct, and in such form and manner as they may order. He shall also perform for the city all such duties as township clerks are required by law to perform for their several townships, and for such services he shall receive the same fees and compensation as they are entitled to receive under the laws of this State. He shall keep a record of every ordinance enacted, and of the time of its publication, which record shall be signed by the controller and the mayor. No ordinance subjecting any person to fine or imprisonment shall take effect until it shall have been published for at least one week in a newspaper

Publishing of ordinances.

published in said city. The common council, whenever the interest of the city may require, shall have power by ordinance, to authorize the appointment of a deputy controller, and may provide that he shall perform any or all the duties of controller, and he shall have such other powers and perform such other duties as the common council may prescribe, and he shall be appointed in the same manner as other city officers.

SEC. 8. All official bonds of said city shall be deposited with the controller of the city for safe keeping, and it shall be his duty to deliver the same to his successor in office, except the controller's bond shall be deposited with the treasurer.

SEC. 9. The annual assessment of taxable property in the city shall be made by the controller at the same time and in the same manner as assessments are taken and made in the townships in this State, except as in this act otherwise provided.

SEC. 10. The accounts and demands of all persons against the city shall be verified by affidavit, and shall set forth the items thereof in detail, which affidavit may be taken and certified by any member of the council.

SEC. 11. The controller shall perform such duties in relation to the finances, accounts, and other matters of the city as shall be prescribed by ordinance, and shall in addition to his other duties be the assessor of said city, and as such shall have and exercise within the city all the powers, duties, and authority of supervisors of townships as provided by the laws of this State, except as herein otherwise provided. He shall be a member of the board of supervisors of Saginaw county, and have the same powers thereon as other members of said board, and shall have a seat in and attend the sessions of the common council, and may discuss all questions and matters which come before the council but shall have no vote therein.

SEC. 12. The controller of said city shall complete his assessment of all taxable property in said city on or before the fourth Monday in June of each year, and upon the completion thereof shall give notice of the same to the common council at its next meeting.

SEC. 13. The controller and the city attorney and three tax-paying citizens, appointed by the mayor and approved by the common council, shall constitute a board of review, four of whom shall constitute a quorum. They shall have the power, and it shall be their duty, to examine the annual assessment roll of said city and correct any errors found therein, and on cause shown, to reduce, equalize, or increase the valuation of any property found on said roll, and to add thereto any taxable property in said city that may have been omitted, and to value the same. The assessment roll of said city shall be open for the inspection of any tax-payer of said city from the time of its completion until the meeting of said board of review, and whenever said board shall decide to increase the valuation of any property on said roll as fixed by the controller, and the owner thereof, or person to whom the same shall be assessed, shall not appear before said board during its session, said board shall cause a notice to be published in some newspaper published in said city, at least two weeks, directed to the several persons to whom such

property is assessed, stating that it is the intention of said board, at a time and place to be named in such notice, to increase the valuation of the property assessed to the persons whose names appear in said notice, to which time and place said board may adjourn, and at said adjourned meeting may make such increase in the valuation of such property as it may deem just. They shall meet at such time and place as shall be appointed by the common council, of which time and place notice shall be given by the common council at least two weeks prior to the meeting by publishing a notice thereof in some newspaper published in said city, and also by posting a copy thereof in three public places in each ward of said city, and shall continue in session at least three days successively, and as much longer as may be necessary, at least six hours in each day during said three days, and any person desiring so to do may examine his or her assessment on said roll, and may show cause, if any there may be, why the valuation thereof should be changed, and the said board shall hear any competent evidence that may be offered touching such assessment, shall decide the same, and their decision shall be final; and the said board shall keep a record of their proceedings and of all changes made by them in said roll, and such changes shall be made on said roll by the controller, and their record shall be deposited with the controller.

When assessment roll confirmed, to be left with controller.

SEC. 14. The controller shall deliver such assessment roll to said board of review at their first meeting, and after the same shall be confirmed by resolution of said board, to be entered on their record, he shall again take such roll into his possession and retain the same in his office, and present the same for equalization to the board of supervisors of Saginaw county.

Apportionment and extension of taxes.

SEC. 15. The controller shall levy and apportion all sums ordered by the common council to be raised, and also all other taxes required by law, upon the taxable property of said city, in the same manner that taxes are required by law to be levied in townships; he shall extend the several taxes upon the assessment roll, and complete the same in the manner township tax rolls are required to be completed, and deliver a copy thereof, with his warrant thereto attached in the form required by the general laws of the State, to the city treasurer, within the time prescribed by law for the completion and delivery of the tax rolls of townships in this State:

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Provided, Security has been given by such city treasurer as required by law or in this act provided; but if such security shall not have been given by such city treasurer, in the manner and within the time required, the common council shall immediately appoint some suitable person who shall give the requisite security, to collect such tax roll, and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes, and make return of his doings thereon, in the same manner, and shall have all the powers, and shall perform all the duties, and be subject to the same liabilities in this act conferred upon the city treasurer of said city for the purpose of the collection, return, and paying over such taxes.

Roll with warrant to be delivered to treasurer.

SEC. 16. The taxes levied under this act shall be and remain a ~~Taxes a lien.~~ lien upon the property on which the same were levied, in the same manner and to the same extent, as taxes required by law to be levied on property in the several townships in this State; and all provisions of law relating to the collection of taxes, and to the return and sale of property for the non-payment of taxes for State, county and township purposes, shall apply to the collection of such taxes, and to the return and sale of property for the non-payment thereof.

SEC. 17. For the purpose of paying the cost and expense of collecting the taxes assessed upon the general tax roll of said city, the common council shall each year add thereto, as a collection fee, a sum not exceeding three per cent of the total amount of the taxes to be assessed thereon. On all taxes paid prior to the first day of January after said tax roll shall be delivered to the treasurer or collector, there shall be deducted all collection fees beyond one per cent, and the treasurer, or other person appointed to collect taxes, shall remain in his office during ordinary business hours, until said first day of January, and receive such taxes as may be offered; and immediately upon receiving such tax roll he shall give notice of the time and place at which he will receive such taxes, by publishing the same in some newspaper published in said city, at least two weeks, and by posting copies of such notice in at least five public places in the city. The common council at the first regular meeting in March may for each year prescribe a salary to be paid the treasurer, which shall be in full for his services, and which shall not exceed two per cent of the last annual tax roll. Should the common council, at the time aforesaid, not prescribe such salary, the treasurer shall receive for his services as treasurer said collection fees upon the taxes collected by him. The treasurer shall not keep his office with or have in his employ or be assisted by any other officer of the city, whether elected or appointed, except by order of the common council: *Provided*, Should some other person be appointed to collect the taxes, the compensation paid such person shall be deducted from the salary or other compensation of the treasurer.

SEC. 18. The marshal of said city shall, before entering upon the discharge of the duties of his office, give such security for the faithful performance of his duties as the common council shall direct and require. He shall be chief of police, and by virtue of his office, in addition to his other powers shall have all the powers conferred upon and perform the duties required of constables elected under the general laws of this State, and shall take and subscribe the same official oath and give like security required of such constables; and it shall be his duty to serve all criminal process that may be lawfully delivered to him for service; to see that all the by-laws and ordinances of the city are promptly and efficiently enforced. He shall attend the meetings of the common council, obey all lawful orders of the mayor, and may command the aid and assistance of all constables and of all other persons in the discharge of the duties imposed upon him by law, and the marshal and

deputy marshals shall each have the same power to serve and execute all process in behalf of said city, or of the people of this State, for offenses committed within said city, as sheriffs and constables have by law, to execute similar process.

**Deputy
marshals.**

SEC. 19. The common council shall appoint such number of deputy marshals as the mayor shall approve. They shall be appointed in the same manner as other officers of said city, and shall have the same powers and perform the same duties as the marshal, except the power to serve civil process. The mayor may suspend any deputy marshal by filing notice thereof with the controller, and if he shall file with the controller his reasons therefor before the next regular meeting of the council, the appointment of such deputy marshal shall be thereby revoked, and the controller shall present such notice and the reasons therefor, if any shall have been filed with him, to the council at such meeting and enter the same upon the journal thereof. If such reasons are not filed as aforesaid such suspension shall be at an end and such deputy marshal be returned to duty.

Suspension of.

The common council may remove any deputy marshal from office at any time by a majority vote of all the aldermen elect.

Removal.

**Directors of
poor and
constables.**

SEC. 20. The directors of the poor and city constables shall have the powers and perform the duties of like township officers elected under the general laws of this State, subject to the provisions of this act.

**Street commis-
sioner.**

SEC. 21. The street commissioner shall, under the direction of the common council, superintend the making, grading, paving, or plankning, repairing, and opening of all streets, lanes, alleys, bridges, sidewalks, drains, and sewers within the limits of the city, in such manner as he may from time to time be required, and perform such other duties as the common council may by ordinance prescribe; and before entering upon the discharge of his duties, and within ten days from the notice of his appointment, shall take the oath of office and give such security for the faithful discharge of his duties, as the common council shall direct and require. The street commissioner shall have power within said city to perform all the duties imposed by law, upon fence viewers of townships.

City attorney.

SEC. 22. The city attorney shall appear in, and conduct all suits, prosecutions, and proceedings, in any court, to which the city of Saginaw is a party, to the end thereof, subject to the rules and practice of such court; and if the same be removed to any other tribunal, by writ of error, *habeas corpus*, or otherwise, he shall conduct the same before such tribunal, and shall perform such duties as attorney, as the common council may require. He shall have a seat in, and attend the sessions of, the common council, and may discuss all questions and matters which may come before said council, but shall have no vote therein.

**Officers to
deliver over to
successors
papers, books,
money, etc.**

SEC. 23. Whenever any officer shall resign or be removed from office or the term for which he shall be elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, money and effects in his custody as such officer or in any way appertaining to his office, and every person

violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for like offenses under the general laws of this State, now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

SEC. 24. The common council may, by resolution, designate one of the justices of the peace of the city to act as police justice thereof, and may revoke such designation at pleasure. When such designation has been made, such police justice shall have sole jurisdiction of all prosecutions arising under this act, and the by-laws and ordinances of said city duly adopted or passed by the common council; and he shall receive as compensation for his services the same fees allowed justices of the peace for like services, by the general laws of the State, or in lieu thereof such salary as the common council may from time to time by resolution prescribe, not exceeding four hundred dollars a year. Until such designation has been made, and, in case of the absence of such police justice from the city, or his inability to act, any justice of the peace of said city may act as police justice and have jurisdiction of such prosecutions and he shall receive as compensation the fees above mentioned.

One Justice of
the Peace may
be designated as
police justice,
etc.

SEC. 25. Each justice of the peace of the city, except as otherwise provided in this act, shall have power, and it is hereby made the duty of such justice, upon complaint to him in writing by the city attorney, or upon oath by any other person, setting forth the substance of the offense complained of, to issue a warrant for the arrest of any person charged with a violation of any provision of this act, or any by-law or ordinance of said city. Such warrant shall be directed to the marshal of said city, or to any constable of the county of Saginaw, and may be executed by either of said officers anywhere within said county.

Warrants to be
issued by justices
of the peace.

SEC. 26. Each justice of the peace of said city, except as in this act otherwise provided, shall have power to hear, try, and determine any and all charges of a violation of any provision of this act, or of the by-laws and ordinances of the city, and upon the conviction of any person thereof, to impose by sentence such fine, penalty, costs, and imprisonment as may be authorized by law, or the provisions of such by-laws and ordinances, and shall have power to issue any writ, process, warrant, or commitment necessary to carry such sentence into effect; and shall have power to take recognizances or bail for the appearance before himself or before the circuit court on appeal of any person brought before him on such charge, and when any person has been sentenced to pay a fine or penalty such justice may also issue his execution for the collection thereof, directed to the marshal or any constable of the county of Saginaw, and which shall be executed by either of said officers in the same manner as executions issued by justice of the peace in civil cases; and each of the justices of the peace of said city shall have jurisdiction in all civil cases within the jurisdiction of justices of the peace, when either of the parties reside within the county of Saginaw.

Jurisdiction of
justices under
this act.

- Trial by jury.** SEC. 27. In all trials before any justice of the peace of said city of any person charged with a violation of any provision of this act, or of any by-law or ordinance of said city, either party shall be entitled to a jury of six persons, and all the proceedings for the impaneling and summoning of such jury and other proceedings before such justices shall be in conformity as near as may be with similar proceedings before justices of the peace, but the person so charged shall be deemed to have waived a trial by jury unless the same shall be demanded by him, and he shall have the right to appeal from the sentence of such justice to the circuit court for the county of Saginaw by filing within two days after his conviction a notice claiming an appeal, and by executing and delivering to such justice his bond with one or more sufficient sureties, who shall justify their responsibility under oath in the sum of two hundred dollars, conditioned to prosecute his appeal to effect in said circuit court, and to pay any fine or penalty and costs that may be adjudged against him in said circuit court.
- Demand for.** SEC. 28. All fines imposed by any by-law or ordinance of the common council may be sued for by the city attorney in the name of the corporation before any justice of the peace of said city.
- Collection of fines.** SEC. 29. All fines, penalties, or forfeitures recovered before any justice of the peace of said city for a violation of any provision of this act or any ordinance of said city shall, when collected, be paid into the city treasury, and each of said justices shall report on oath to the common council at the first regular meeting thereof in each month, during the time he shall perform the duties of police justice, the names of all persons against whom judgments shall have been rendered, for any fine, penalty or forfeiture, and all moneys by him received for or on account thereof, and the moneys so received or which may be in his hands collected on such fines, penalties, or forfeitures, shall be paid into the city treasury on the first Monday of each and every month during the time such justice shall exercise the duties of said office, and for any neglect in this particular he may be suspended, or removed, as provided by law.
- Fines to be paid into city treasury.** SEC. 30. Any justice of the peace of said city may be suspended or removed from his said office, by the circuit court for the county of Saginaw, for neglect or refusal to pay over as required by law, any moneys by him collected for, or on account of any fine, penalty, or forfeiture, or the unfaithful performance of his duties in relation to the internal police of the State, or for any official misconduct, on charges preferred by the common council of the city, or any member or officer thereof, or by three electors of the city, founded on affidavit filed in said circuit court, specially stating the charges complained of, a copy whereof shall be served upon him in such manner as such circuit court shall direct, and opportunity shall be given him to be heard in his defense.
- Justices suspended or removed for failure to pay over fines, etc.** SEC. 31. In addition to the security now required by law to be given by justices of the peace, each of the justices of the peace shall, before entering upon the duties of his office, execute a bond to the city of Saginaw, with one or more sufficient sureties, to be approved by the mayor, which approval shall be endorsed on said bond, conditioned for the faithful performance of his duties as a
- Security to be given by justices of peace to city.**

police justice of said city, and to pay over all moneys collected by him as such justice, and make his report as in this act required, which bond shall be filed in the office of the controller of said city.

SEC. 32. All docket [dockets] and office books kept by the justices of the peace shall at all times be subject to inspection and examination by the common council, or any member or officer thereof; and it shall be the duty of each of said justices of the peace to produce his dockets and books at all times, whenever and wherever the said common council shall require or direct, and if he shall neglect or refuse to produce such dockets or office books as directed and required, the circuit court for the county of Saginaw may, on a proper application, make an order requiring the same to be produced, and enforce obedience thereto in the same manner in which other orders made by the court are enforced.

Docket and
books of justice
subject to
inspection.

SEC. 33. It shall be the duty of each justice of the peace, at the first regular meeting of the common council in each of the months of August, November, February, and May, in every year, to account on oath before the common council for all such moneys, goods, wares, and merchandise seized as stolen property, as shall then remain unclaimed in the office of either of said justices of the peace, and immediately thereafter to give notice for four weeks in some newspaper printed in the city of Saginaw, to all persons interested or claiming such property: *Provided*, That if any goods, wares, merchandise, or chattels of a perishable nature, or which shall be expensive to keep, shall at any time remain unclaimed in the offices of either of said justices, it shall be lawful for such justice to sell the same at public auction, at such time, and after such notice, as the common council shall prescribe.

Justices to
account for
stolen property,
etc.

SEC. 34. It shall be the duty of each of the justices of the peace aforesaid, who may recover or obtain possession of any stolen property, on his receiving satisfactory proof of ownership, from the owner thereof, to deliver such property to the owner on his paying all necessary and reasonable expenses which may have been incurred in the recovery, preservation, or sustenance of such property, and the expenses of advertising the same.

Justices to
deliver stolen
property to
owner.

SEC. 35. It shall be the duty of each of the justices of the peace aforesaid to cause all property unclaimed after the expiration of the notice specified in this act, money excepted, to be sold at public auction to the highest bidder, unless the prosecuting attorney of the county of Saginaw shall direct that it shall remain unsold for a longer period, to be used in evidence in the administration of justice—and the proceeds thereof forthwith to pay to the treasurer of the city of Saginaw, together with all money, if any, which shall remain in his hands after such notice as aforesaid, first deducting the charges of such notice of sale.

Sale of
unclaimed stolen
property, etc.

SEC. 36. All process issued by any justice of the peace to enforce or carry into effect any of the by-laws or ordinances of the common council shall be directed "to the marshal of the city of Saginaw," or "to any constable of the county of Saginaw;" and such process may be executed by any of said officers anywhere within the county of Saginaw, and shall be returnable the same as other similar process issued by justices of the peace.

To whom process
directed.

Fees of marshal and constable. SEC. 37. The constables of the city shall receive the same fees as are by law allowed to constables in townships. The marshal and deputy marshals shall receive the same fees for making arrests and serving process as constables are allowed by law for similar services; but all fees for the service of process, received by the marshal and deputy marshals, and to which they, or either of them may be entitled, shall be paid over to the city treasurer for the use and benefit of the city.

City to have use of county jail. SEC. 38. The city of Saginaw shall be allowed the use of the common jail of the county of Saginaw for the imprisonment of all persons subject to imprisonment under the provisions of this act, or the by-laws and ordinances of said city; and all persons committed to jail by any justice of the peace of said city for any violation of this act, or any such by-law or ordinance, shall be lawfully in the custody of the sheriff of said county, who shall safely keep the person so committed until lawfully discharged, as in other cases.

Controller to notify officers of appointment. SEC. 39. When any person has been appointed to any office in the manner provided in this act, the controller shall immediately notify him thereof, in writing. Such notice may be served by mail, pre-paid and duly addressed to the person to be notified. If the person so appointed and notified shall fail for ten days to file his official oath, as required by law, and bond, in case a bond is required, he shall be deemed to have declined the appointment. The controller shall report to the common council the names of such officers, whether elected or appointed, as shall have neglected to file the oath and give the bonds required by the provisions of this act.

False swearing. SEC. 40. Any person who may be required to take any oath or affirmation under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise willfully swear falsely as to any material fact or matter, shall be guilty of perjury.

Double damages recovered against officers, etc. SEC. 41. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act, done or omitted to be done under such election or appointment, or in his official capacity, or against any person having done anything or act by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law. Every such suit shall be commenced before some justice of the peace of said city, or in the circuit court for the county of Saginaw, whether such action be civil or criminal in form.

Effect of copies, etc., of ordinances as evidence. SEC. 42. The record of any ordinance enacted, and of the time of its first publication, made as required in this act, or heretofore made as required by law, or a copy thereof certified by the controller under the seal of the city, shall be presumptive evidence in all courts, places and proceedings of the due passage of such ordinance—of its having been duly published, and of the time of its first publication. Copies of all records and papers duly filed in the office of the controller, certified by him under the seal of the city,

shall be evidence in all courts and places to the same effect as the originals would be if produced.

SEC. 43. Proof of the requisite publication of any ordinance, resolution, or other proceeding required to be published in any newspaper, made by the affidavit of a printer or publisher thereof, taken before any officer authorized to administer oaths and take affidavits, and duly filed with the controller of the city or any other competent proof, shall in all courts and places be conclusive evidence of the legal publication of such ordinance, resolution or other proceeding. All ordinances and by-laws of the common council, printed and published by authority thereof, shall in all courts, places and proceedings, be received without further proof as *prima facie* evidence thereof, and of the legal enactment and publication thereof.

SEC. 44. No person shall be disqualified to act as a judge, justice of the peace, or other officer, witness or juror, by reason of his being an inhabitant, or freeholder of the city of Saginaw, in any prosecution, action, or proceeding in any court in which said city shall be a party in interest, or in any other proceeding whatever.

SEC. 45. No person shall be elected or appointed to any office created by this act who is a defaulter to said city, or to any board of officers thereof, or to the State of Michigan or any county or township thereof, and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public money, or to deliver any papers pertaining to his office, which may be in his possession or under his control. If any person holding any such office shall become a defaulter while in office he may be removed therefrom in the manner provided by law.

SEC. 46. No plat of lands within the limits of the city, executed as a subdivision thereof, or addition to said city, for the purpose of being recorded in the office of the register of deeds, shall be entitled to record without the approval of the common council and a copy of the resolution containing such approval certified by the controller under the seal of said city endorsed thereon; a copy of such plat shall also be filed with the controller of said city.

SEC. 47. It shall be the duty of all occupants of any lots, blocks or premises within the city, and of all resident owners thereof when unoccupied to clean out and keep cleaned out all surface street gutters, ditches and drains in front of and next adjacent to all lots, blocks, and premises occupied or owned by them, so as to permit the free passage of water along and through the same. Any such occupant or owner who shall knowingly suffer or permit any such gutter, ditch or drain to become and remain obstructed, except by snow or ice, so as to prevent the free passage and flow of water along and through the same, shall, on conviction thereof, be punished by a fine not exceeding twenty dollars, and in default of the payment thereof, by imprisonment in the jail of Saginaw county not exceeding thirty days.

SEC. 48. All officers of said city, whether elected or appointed,

Proof of publication, etc., conclusive evidence.

Qualification of judges, justices, etc.

No defaulter to be elected or appointed to office.

Plats to be approved by common council before recorded.

Owners and occupants to keep gutters, etc., clean.

Present officers to continue. who may be in office at the passage of this act, shall continue to exercise the duties of their respective offices until the terms for which they were severally elected or appointed shall expire. The aldermen and supervisor of the first ward, as heretofore constituted, shall continue to be the aldermen and supervisor of the first ward, as constituted by this act. The aldermen and supervisor of the sixth ward, as heretofore constituted, shall continue to be aldermen and supervisor of the second ward, as constituted by this act. The aldermen and supervisor of the fifth ward, as heretofore constituted, shall continue to be the aldermen and supervisor of the third ward, as constituted by this act. The aldermen and supervisor of the second ward, as heretofore constituted, shall continue to be the aldermen and supervisor of the fourth ward, as constituted by this act. The aldermen and supervisor of the third ward, as heretofore constituted, shall continue to be the aldermen and supervisor of the fifth ward, as constituted by this act; and the aldermen and supervisor of the fourth ward, as heretofore constituted, shall continue to be the aldermen and supervisor of the sixth ward, as constituted by this act, for the remainder of the terms for which they were severally and respectively elected.

No new registration in wards necessary.

SEC. 49. No new registration of the electors of the several wards of said city shall be necessary by reason of the change in the number or designation of said wards made by this act, except as herein-after stated; the registry of electors of the fifth ward, as heretofore designated, shall be the registry of the third ward, as designated by this act; the registry of electors of the second ward as heretofore designated, shall be the registry of the fourth ward, as designated by this act; the registry of electors of the third ward, as heretofore designated, shall be the registry of the fifth ward, as designated by this act; the registry of electors of the fourth ward, as heretofore designated, shall be the registry of the sixth ward, as designated by this act; the registry of electors of the first ward, as heretofore constituted shall continue to be the registry of the first ward as constituted by this act; and the registry of electors of the sixth ward, as heretofore constituted, shall be the registry of the second ward, as constituted by this act. The boards of registration of said first and second wards, as constituted by this act, shall, at the first meeting thereof hereafter, carefully examine the said registers of electors, and shall draw a line in ink across, and write the letter "R" opposite the names of all electors appearing thereon, who, by change in the boundaries of said wards, have ceased to be residents thereof respectively; and all electors of said wards residing therein respectively at the time this act takes effect, and who shall continue to so reside therein until the first city election held therein after this act goes into effect, shall be entitled to be registered in their respective wards on the day of such election, as well as on the other days fixed by law for registration.

This act not to invalidate former acts.

SEC. 50. This act shall not invalidate any legal act heretofore done by said city, or by the common council, or any officer thereof; all by-laws and ordinances of the said city of Saginaw, and of the city of Saginaw city, now in force in said city, and not inconsis-

ent with this act, shall continue in force until altered, amended, or repealed by the common council.

SEC. 51. No railroad locomotive, railroad engine, car, or train of cars shall be stopped within said city, on or across any street therein, so as to prevent the free passage of persons and vehicles along and across any street crossed by a railroad track. Any conductor, engineer, or other person, employed on any locomotive, railroad engine, car, or train of cars, who shall violate this section, shall, on conviction thereof, be punished by fine not exceeding thirty dollars, and in default of payment thereof, by imprisonment not exceeding sixty days, in the jail of Saginaw county.

SEC. 52. No injunction shall be allowed, or issued to stay any ^{Injunctions.} proceedings had under this act for the assessment or collection of any special assessment, or any tax levied under this act; but any such special assessment, or tax, may be paid under protest, and suit brought for the recovery thereof, as provided in the general tax law of the State.

SEC. 53. Any special assessment heretofore levied, or made by the common council of said city, to pay for any improvement heretofore ordered, which has not been wholly collected, and which has been, or which may hereafter be vacated by said common council, may be re-assessed in the manner provided for in this act, and the collection thereof enforced, be returned and dealt with, and the land upon which the same was, or may be assessed, or levied, proceeded against, and sold, in the same manner, and with the same force and effect as in the case of other special assessments levied or made under this act. Special assessments for local improvements made or levied under the act by this act repealed, may be set aside by the common council, and re-assessed as if the same had been made or levied under this act.

SEC. 54. Act number four hundred and ninety-six, of the laws ^{Acts repealed.} of eighteen hundred and sixty-seven, approved March twenty-seventh, eighteen hundred and sixty-seven, entitled "An act to revise and amend the charter of the city of Saginaw, approved February fifth, eighteen hundred and fifty-nine," and all acts amendatory thereof, are hereby repealed: *Provided*, Such repeal ^{Proviso.} shall not invalidate any obligation heretofore made by said city, or any right acquired, or proceeding had, under said act, or any prosecution, suit, or proceeding pending when this act takes effect, or any tax or assessment levied, or made under said act, or the ordinances passed in pursuance thereof, and every such suit, prosecution, or proceeding, now pending, may proceed to a final conclusion in the manner authorized by said act, and the payment and collection of any such taxes or assessment may be enforced, and the lands upon which the same were levied, sold, and conveyed therefor, in the manner provided in said act, and ordinance, or in the manner provided for in this act.

Ordered to take immediate effect.

Approved March 16, 1883.

Obstruction of
streets and cross-
ings by locomo-
tives, cars, etc.

^{Special asses-}
^{ments not col-}
^{lected may be}
^{re-assessed.}

[No. 228.]

AN ACT to incorporate the city of Menominee.

CHAPTER I.

CITY AND WARD LIMITS.

Territory incor-
porated. **SECTION 1.** *The People of the State of Michigan enact,* That so much of the county of Menominee as is included in the following descriptions, to-wit: All of fractional township thirty-one (31) north, fractional section twenty-six (26), section twenty-seven (27), section thirty-four (34), and fractional section thirty-five (35) of township thirty-two (32) north, all in range twenty-seven (27) west; also all that portion of the Menominee river, and of the Green Bay of Lake Michigan, lying between the said lands and the boundary line of the State of Michigan, shall be, and the same is hereby set off from the township of Menominee and organized and incorporated into a city, by the name of the city of Menominee.

**City of Menom-
inee incorpo-
rated.**

**Boundaries of
wards.
First ward.**

Second ward.

Third ward.

SEC. 2. The said city shall for the time being be divided into five wards. The first ward shall include all that portion of said city, commencing at a point on the shore of Green Bay, where the center line of Quimby street, if extended, would intersect the same, thence running southerly along the shore of Green Bay to the center of the channel of the Menominee river; thence northwesterly along said channel to a point where the east line of section three (3), township thirty-one (31) north, of range twenty-seven (27) west, intersects the same; thence north along the east line of said section three (3), to the center of Quimby street; thence easterly along the center of Quimby street to the center of Kirby street, thence northeasterly along Quimby street, and Quimby street produced to the place of beginning. The second ward shall include all that portion of said city beginning on the shore of Green Bay, at the northeast corner of the first ward, thence westerly along the north boundary of said ward to the east line of section three (3), township thirty-one (31) north, range twenty-seven (27) west, thence south along said line to the center of the channel of the Menominee river; thence westerly along said channel to a point where, if a line from the center of lot three (3), section three (3), township thirty-one (31) north, range twenty-seven (27) west, was extended, would intersect the same; thence north to the center of Ogden avenue, thence easterly along the center of Ogden avenue to the shore of Green Bay, thence southerly along the shore of Green Bay to the place of beginning. The third ward shall include all that portion of said city commencing at the center of the point of intersection of Ogden avenue and Hamilton street, thence north along the center of Hamilton street to the center of Stephenson avenue; thence west along Stephenson avenue, and Stephenson avenue as produced, to the center of the channel of the Menominee river; thence along said channel to a point where a line extended due south from the center of lot three (3), section three (3), township thirty-one (31), range twenty-seven (27), would intersect the same; thence north to the center of Ogden avenue, thence east along the center of Ogden avenue to

the place of beginning. The fourth ward shall include all that ~~fourth ward.~~
portion of said city commencing at the center of Ogden avenue on
the shore of Green Bay, thence northerly along the shore of Green
Bay to the center of Stephenson avenue; thence west along the
center of said avenue to the center of Jenkins street; thence north
along the center of Jenkins street to the township line between
townships thirty-one (31) and thirty-two (32) of range twenty-
seven (27); thence west along said township line, eighty (80) rods,
thence north eighty (80) rods, thence west eighty (80) rods, thence
north eighty (80) rods, thence west one hundred and sixty (160)
rods, thence south one hundred and sixty (160) rods, thence west
along the town line between townships thirty-one (31) and thirty-
two (32), range twenty-seven (27) to the center of the channel of
the Menominee river, thence southerly along said channel to the
northwest corner of the third ward, thence east along the north
boundary line of the third ward to the northeast corner of the
same, thence southerly along the center of Hamilton street to the
center of Ogden avenue, thence east along the center of Ogden
avenue to the place of beginning. The fifth ward shall include ~~fifth ward.~~
all that portion of said city commencing at the center of Stephen-
son avenue on the shore of Green Bay, thence westerly along the
north boundary line of the fourth ward to the center of Jenkins
street, thence north along the center line of Jenkins street to the
town line between townships thirty-one (31) and thirty-two (32),
range twenty-seven (27), thence west on said town line eighty (80)
rods, thence north eighty (80) rods, thence west eighty (80) rods,
thence north eighty (80) rods, thence west one hundred and sixty
(160) rods, thence north along the west line of sections thirty-four
(34) and twenty-seven (27), township thirty-two (32), range twenty-
seven (27), to the southwest corner of section twenty-two (22),
township thirty-two (32), range twenty-seven (27), thence east
along the north line of sections twenty-seven (27) and twenty-six
(26), township and range aforesaid, to the shore of Green Bay,
thence along the shore of Green Bay on the meander lines of sec-
tion twenty-six (26) and fractional section thirty-five (35), town-
ship thirty-two (32), range twenty-seven (27), to the place of
beginning.

SEC. 3. An additional ward may be created for every additional two thousand inhabitants up to ten thousand inhabitants, and from ten thousand inhabitants one ward for each additional four thousand inhabitants.

SEC. 4. Whenever the council shall deem it expedient they may by ordinance enact [enacted] by a concurring vote of not less than two-thirds ($\frac{2}{3}$) of the aldermen in office, re-district the city into wards, divide any ward or change the boundaries thereof, establish new wards, and increase the number of the wards of the city, within the limit prescribed in the preceding section.

SEC. 5. Upon the introduction of such ordinance the council shall require the city clerk to give notice thereof and of the change proposed thereby in any ward or wards, by publishing such notice in some newspaper published in the city for three (3) weeks before the council shall proceed to the passage of the ordinance.

How wards bounded and formed.

SEC. 6. All wards which may be established by the council, and all changes in the existing wards, shall be bounded by streets, alleys, avenues, public grounds, streams of water, or corporation lines; and the wards, as established or changed, shall be composed of adjacent territory, and shall be as compact as may be; and in establishing, changing, or re-districting the wards it shall be so done as to give the several wards as nearly an equal number of inhabitants as may be practicable.

Elections in new wards, etc.

SEC. 7. No change in the boundary of any ward shall be made within twenty (20) days next preceding an election therein. No election of aldermen or ward officers shall be held in any newly established ward, or in any ward on account of changes in the boundaries thereof previous to the next annual city election; nor shall the office of any alderman or other officer, elected in any ward be vacated by reason of any change in such ward, but any such alderman or other officer shall, during the remainder of his term, continue in office and to represent the ward, including the place of his residence at the time of the change of the boundaries of the ward, unless the office become vacant for some other cause.

When two aldermen are to be elected. Terms of.

SEC. 8. When by the erection of a new ward, two (2) aldermen are to be elected therein at the same time, one (1) of them shall be elected for one (1) year, and one (1) for two (2) years, and the terms of each shall be designated on the ballots.

Boundaries of wards contiguous to Green Bay, on Menominee river.

SEC. 9. All of said wards contiguous to the Menominee river shall be deemed and held to extend to the boundary line of the State in said river, and all of said wards contiguous to the Green Bay shall be deemed and held to extend to the boundary line of the State in said Green Bay, the boundary lines of said wards being a direct continuation of the boundary lines where the same intersects [intersect] the shore of [said] river or Green Bay.

CHAPTER II.

EFFECT OF INCORPORATION.

Name, etc.

SECTION 1. The city shall be a body politic and corporate under and by the name of the City of Menominee; and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for the purposes for which it is incorporated, have a common seal and change the same at pleasure, and exercise all the powers in this act conferred.

**Sue and be sued.
Hold property.
Seal.**

Courts to take judicial notice of, what.

SEC. 2. Judicial notice shall be taken in all courts and proceedings in this State of the existence of the City of Menominee as incorporated under this act, and of all changes at any time made in the corporate limits of the said city by the annexation of territory, thereto or otherwise, and of the boundaries of all wards, and of all changes made at any time in the boundaries of any ward in the city.

CHAPTER III.

ANNEXATION OF TERRITORY.

Adjacent territory may be incorporated with, when.

SECTION 1. The inhabitants residing upon any territory adjacent to the city incorporated under this act, may, at their own request, be annexed to said city in manner following:

SEC. 2. Application for such purpose shall be by petition to the [board of] supervisors of the county of Menominee, and shall be signed by a majority of the freehold electors residing upon said territory. It shall contain the name or names of some person or persons, who are authorized to act as agent or agents of the petitioners in securing the annexation, and shall fully describe the said territory and be accompanied by an accurate map thereof, and with a list or census of the freehold electors residing upon such territory, made within sixty days next preceding the filing of said petition and verified by the affidavit of the person making such list. Notice of the time and place where the application will be made and of the object of the petition shall be given by publication of such notice in one of the newspapers of the city, and by posting copies thereof in five of the most public places upon said territory, at least one month before presenting said petition to the board. Proof of the publication and posting aforesaid shall be made by affidavit to be filed with the petition.

SEC. 3. Said petition with the map, census list, and proofs mentioned in the preceding section may be presented to the board of supervisors at the time designated in said notice, and if no sufficient objection be made to appear thereto, the board may, by resolution reciting the filing and object of the petition and the description of said territory, consent to the annexation. Upon the passage of such resolution the clerk of the board shall make and certify a transcript thereof and a copy of said map to the city council.

SEC. 4. Upon receiving said transcript from the clerk of the board the city council may, by ordinance referring to the transcript and describing said territory, consent to the application and declare the territory annexed to the city, but a rejection of the application shall not bar new proceedings for the same purpose.

SEC. 5. If the application for annexation be accepted by the council, the city clerk shall make two (2) copies of said transcript, and of the ordinance of annexation, and certify the same under his hand and the seal of the city to be correct, one of which certified copies shall be filed and recorded in the office of the secretary of State, and the other in the office of the county clerk of the county of Menominee.

SEC. 6. Whenever the city shall desire to enlarge its corporate limits by the annexation of adjacent territory, the council may, by resolution describing the territory sought to be acquired, authorize its annexation, and shall in the same resolution designate the time when an application will be made to the board of supervisors of the county of Menominee for that purpose.

SEC. 7. Notice of the intended application shall be given by publication of a copy of said resolution in one of the newspapers of the city, and by posting copies thereof in five of the most public places in the said territory at least one month before the time appointed for making the application. Proof of the publication and posting of said resolution as aforesaid shall be made by affidavit.

SEC. 8. Upon presenting a certified copy of said resolution and a map of the territory sought to be annexed, with proof of the

Petition for, to
supervisors.

What to contain.

Notice by pub-
cation and post-
ing.

Affidavit of pub-
lication and
posting.

Action of super-
visors upon
petition.

Council may
declare territory
annexed.

Copies of trans-
cript and ordi-
nance to be filed
with county
clerk and secre-
tary of State.

Acquisition of
territory by
council.

Notice to be
published and
posted.

Proof of pub-
lication and
posting.

Action of super-
visors on appli-
cation.

Clerk to certify to council. publication and posting aforesaid to the board of supervisors, at the time designated in said resolution, the board, if no sufficient objection is made thereto, may, by resolution reciting the resolution of the council and describing such territory, consent and authorize the annexation thereof; and thereupon the clerk of the board shall certify a transcript of said resolution of consent with said map to the city council, whereupon the city council may, by ordinance referring to said transcript and describing the territory, declare the same annexed to the city, and the city clerk shall then make and certify like copies of the ordinance and transcript as provided in section five of this chapter, and file the same for record in the offices of the secretary of State and of the county clerk of the county of Menominee.

Annexation ordinance.

Where filed for record.

When filed territory deemed part of city. SEC. 9. Whenever certified copies of the ordinance of annexation and transcript of the resolution of the board of supervisors shall have been filed in the office of the secretary of State, as provided in sections five and eight, the territory therein described and sought to be annexed shall be deemed and taken to be a part and parcel of the city, and the inhabitants residing thereon shall have and enjoy all the rights and privileges of the inhabitants within the original limits of the city. Certified copies of said ordinances and transcripts so filed in the office of the secretary of State or county clerk or of the record thereof shall be *prima facie* evidence of the matters therein stated, and of the legal annexation of the territory therein described.

Certified copies evidence.

CHAPTER IV.

ELECTORS AND REGISTRATION.

Who to be electors. SECTION 1. The inhabitants of the city incorporated under this act, having the qualification [qualifications] of electors under the constitution of this State, and no others, shall be electors therein.

Where entitled to vote. SEC. 2. Every elector shall vote only in the ward where he shall have resided [during] ten days next preceding the day of election. The residence of any elector not being a householder shall be deemed to be in the ward in which he boards or takes his regular meals.

REGISTRATION.

Board of registration. SEC. 3. The aldermen of each ward shall constitute the board of registration therein, except as in this act otherwise provided. If by reason of a change of boundary of any ward, or the formation of a new ward, or other cause, there shall not be any or a sufficient number of aldermen representing such ward to constitute a board of registration of two persons, the council shall supply the vacancy or appoint a board of registration for the ward.

Vacancies, how filled. SEC. 4. When changes shall be made in any ward or wards, or a new ward shall be formed in whole or in part from the territory of other wards, the boards of registration of the respective wards affected by the change shall meet previous to the time prescribed by law for giving notices of their sessions preceding the next election, and the name of each registered elector known to have been transferred by such change from one ward to another ward, or to

Duties of boards of registration in case of change of ward boundaries.

the new ward, shall be copied into the register of the ward to which the transfer was made, and be stricken from the register of the ward from which the elector was transferred by the change.

SEC. 5. When a new ward shall be formed, the board of registration thereof, at its session next preceding the next election therein, shall make or complete a new register of the electors residing therein, and for that purpose shall remain in session three days; and notice of the formation of such ward, and that a new register of the electors will be made at that session, shall be given with the notice required by law to be given of such session of the board.

SEC. 6. The boards of registration in the city as incorporated under this act, at their sessions previous to the general election in November, in the year one thousand eight hundred and eighty-four (1884), shall make a re-registration of the qualified electors of their respective wards, in books of the form provided by law. The same rules shall be observed in such registration as are provided by law for the registration of electors in cities; and a like registration of the electors of each ward shall be made at the session of the board next preceding the general election, in the year eighteen hundred and eighty-eight (1888), and every fourth year thereafter. When such new registry shall be made, the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration unless his name shall be registered in such new register. Notice that such re-registration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made.

Registration in case new wards are formed.

Re-registration.

New registry to supersede former one.

Notice.

CHAPTER V.

OFFICERS.

SECTION 1. In the city, as incorporated under this act, there shall be the following city officers: A mayor, city treasurer, and four justices of the peace, who shall be elected by the qualified voters of the whole city.

SEC. 2. In each ward a supervisor, two aldermen, and a constable shall be elected.

SEC. 3. The following officers shall be appointed by the council, viz.: A city attorney, city surveyor, city marshal, city clerk, street commissioner, and engineer of the fire department. The council may also from time to time provide by ordinance for the appointment of, and appoint, for such term as may be provided in the ordinance, such other officers whose election or appointment is not herein specially provided for, as the council may [shall] deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.

SEC. 4. Appointments to office by the council, except appointments to fill vacancies, shall be made on the first Monday of May in each year, but appointments, which for any cause shall not be made on that day may be made at any regular meeting of the council.

City officers.

Ward officers.

Appointive officers.

When appointments made.

Term of office. SEC. 5. The mayor, city marshal, city clerk, city treasurer, street commissioner, supervisors, and constables shall hold their offices for the term of one year from the first Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their offices. One justice of the peace shall be elected annually for the term of four years from the fourth day of July next after his election.

Item. SEC. 6. All other officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first Monday of May next after such appointment, and until their successors are qualified and enter upon the duties of their office, unless a different term of office shall be provided in this act or in the ordinance creating the office.

When officers shall enter upon their duties. SEC. 7. Justices of the peace elected for the full term of four (4) years shall enter upon the duties of their offices on the fourth day of July next after the election. In all other cases officers shall enter upon the duties of their offices immediately upon taking the oath of office and giving the security, if any, required for the performance of the duties of the office. Vacancies in the office of justices of the peace may be filled at any annual election in the city, and the justices of the peace so elected shall serve during the remainder of the unexpired term.

QUALIFICATION, OATH, AND BOND OF OFFICE.

Qualifications for office. SEC. 8. No person shall be elected or appointed to any office unless he be an elector and resident of said city for one year next preceding such election or appointment, and if elected or appointed for a ward, he must be an elector and resident as aforesaid, and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city, or any board of officers thereof, or to any school district, county, or other municipal corporation of the State. All votes for, or any appointment of, any such defaulter shall be void.

Oaths of office. SEC. 9. Justices of the peace, elected in any city, shall take and file an oath of office with the county clerk of the county in which the city is located, within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers elected or appointed in the city shall, within ten days after receiving notice of their election, or appointment, take and subscribe the oath of office prescribed by the constitution of the State, and file the same with the city clerk.

Bonds of justices. SEC. 10. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk, mentioned in the preceding section, the security for the performance of the duties of his office, required by law in the cases [case] of justices of the peace elected in townships; except that said official bond or security may be executed in presence of, and be approved by the mayor; and in case he shall enter upon the execution of his office before having filed his official oath and bond, or security, and such other bond or security to the city as may be required by law, or by

any ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships; and every other officer elected or appointed in the city, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the city clerk such bond or security as may be required by law, or by any ordinance or requirement of the council, and with such sureties as shall be approved by the council, for the duty [due] performance of the duties of his office, except that the bond or security of the clerk shall be deposited with the city treasurer.

SEC. 11. The council, or the mayor, or other officers whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act, or by any ordinance or direction of the council, shall inquire into the sufficiency of such sureties, and examine them under oath as to their property; such oath may be administered by the mayor, or any alderman, or other person authorized to administer oaths. - The examination of any such surety shall be reduced to writing, and be signed by him, and annexed to and filed with the bond or instrument to which it relates. Sufficiency of sureties, how determined.

SEC. 12. The council may also, at any time, require any officer, whether elected or appointed, to execute and file with the clerk of the city new official bonds in the same, or in such further sums, and with new or such further sureties as said council may deem requisite for the interest of the corporation. And failure to comply with such requirement shall subject the officer to immediate removal by the council. New and additional bonds.

VACANCIES IN OFFICE.

SEC. 13. Resignation of officers shall be made to the council, Resignations. subject to their approval and acceptance.

SEC. 14. If any officer shall cease to be a resident of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated. Offices, how vacated.

SEC. 15. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security. On failure to qualify council may declare office vacant.

SEC. 16. A vacancy in the office of mayor, or of any alderman, occurring more than ninety days before an annual city election, shall be filled by a special election. A vacancy in the office of any alderman occurring within ninety days before an annual election, and all vacancies in the office of justice of the peace, shall be filled at the next annual election. Vacancies in any other office shall be filled by appointment, by the council, within twenty days after the vacancy occurs, or if the vacancy be in an elective office, it may be filled by an election or an appointment, in the discretion of the council. How vacancies filled.

Liabilities of officers and sureties not affected by resignation.

SEC. 17. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

Delivery of books, moneys, etc., to successors.

SEC. 18. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall on demand, deliver over to his successor in office, all the books, papers, moneys, and effects in his custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense, under the general laws of this State, now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provision of such general laws of the State.

CHAPTER VI.

ELECTIONS.

Annual elections.

SECTION 1. An annual city election shall be held on the first Monday in April in each year, at such place in each of the several wards of the city as the council shall designate. And at the first annual election there shall be one alderman in each ward elected for one year, and one alderman for each ward elected for two years, and at said first election there shall be four justices of the peace elected, one each for one, two, three, and four years respectively, the term of office of each to be designated upon the ballots.

Special elections.

SEC. 2. Special elections may be appointed by resolution of the council, and held in and for the city, or in and for any ward thereof, at such times and place or places as the council shall designate, the purpose and object of which shall be fully set forth in the resolution appointing such election.

Notice of special elections.

SEC. 3. Whenever a special election is to be held, the council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice signed by the city clerk, specifying the officer or officers to be chosen, and the question or proposition, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held, and the proceedings and manner of holding the election shall be the same as at the annual elections.

Notice of elections; when and how given.

SEC. 4. Notice of the time and place or places of holding any election, and of the officers to be elected and the questions to be voted upon, shall, except as herein otherwise provided, be given by the city clerk at least eight days before such election, by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy thereof in a newspaper published in the city, the same length of time before the election; and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

SEC. 5. The council shall provide and cause to be kept by the ^{Ballot boxes.} city clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

SEC. 6. On the day of elections, held by virtue of this act, the ^{Opening and closing of polls.} polls shall be opened in each ward at the several places designated by the council at eight o'clock in the morning, and shall be kept open until six in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made of the opening and one hour's notice shall be given of the closing of the polls.

SEC. 7. The supervisor and two aldermen of each ward shall, except ^{Inspectors of election.} as in this act otherwise provided, constitute the board of inspectors of election. If by reason of the formation of new wards, or by a ^{In new wards, or changes in boundaries.} change in the boundaries of existing wards, or for any reason there shall not be a sufficient number of the officers last named in any ward to make a board of three inspectors, it shall be the duty of the council, at least one week before the election, to appoint a sufficient number of inspectors, who with the officers above named, if any, residing in the ward, shall constitute a board of three inspectors for the ward, and if at any election any of the inspectors above ^{Vacancies, how filled.} provided for shall not be present or remain in attendance, the electors present may choose *viva voce*, such number of such electors as with the inspector or inspectors present shall constitute a board of three in number, and such electors so chosen shall be inspectors at that election.

SEC. 8. The inspectors shall choose one of their number chairman ^{Chairman and clerks of board.} of the board, and the others shall be clerks of election, or when necessary the board may appoint two other persons to be clerks of election, and the persons so appointed, and each person chosen or appointed as inspector of election shall take the constitutional oath of office, which oath either of the inspectors may administer.

SEC. 9. The inspectors of election, as specified in the last two ^{Duties of inspectors.} sections, shall be inspectors of State, county, and district elections in their respective wards.

SEC. 10. All elections held under the provisions of this act shall ^{Manner of conducting elections.} be conducted, as nearly as may be, in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such election shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election, and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State.

SEC. 11. The electors shall vote by ballot; and the same ballot shall contain the names of persons designated as officers for the city, and as officers for the ward. The ballots cast upon any question or proposition submitted to be voted upon shall be separate, and be deposited in a separate box.

SEC. 12. If at any election vacancies are to be supplied in any ^{Ballots to fill vacancies.} office, or if any person is to be elected for less than a full term of the office, the term for which any person is voted to fill, the same shall be designated on the ballot.

- Depositing of ballots.** SEC. 13. It shall be the duty of the inspectors, on receiving the vote, as specified in the last two sections, to cause the same, without being opened or inspected, to be deposited in the proper box provided for that purpose. The board shall also write, or cause to be written, the name of each elector voting at such elections, in two poll lists, to be kept by said inspectors of election, or under their direction. And such lists shall be so kept as to show the number and names of the electors voting upon any question or proposition submitted to the vote of the electors.
- Canvas of votes by inspectors.** SEC. 14. Immediately after closing the polls, the inspectors of election shall, without adjourning, publicly canvass the votes received by them, and declare the result; and shall, on the same day, or on the next day, make a statement in writing, setting forth in words at full length, the whole number of votes given for each office, the name [names] of persons for whom such votes for each office were given, and the number of votes so given for each person, and the whole number of votes given upon each question voted upon, and the number of votes given for and against the same, which statement shall be certified under the hands of the inspectors to be correct; and they shall deposit such statement and certificate on the day of election, or on the next day, together with said poll lists, and the register of electors, and the boxes containing said ballots, in the office of the city clerk.
- Statement of votes, poll lists, and ballot boxes to be deposited with city clerk.** SEC. 15. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this State, and the inspectors shall, in all other respects, except as herein otherwise provided, conform, as nearly as may be, to the duties required of inspectors of election at such general elections.
- Result of election to be determined by council.** SEC. 16. The council shall convene on Thursday next succeeding each election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and thereupon the city clerk shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk, in the county in which the city is located, and the other shall be filed in the office of the city clerk.
- Certificates of city clerk.** SEC. 17. The person receiving the greatest number of votes, for any office in the city or ward, shall be deemed to have been duly elected to such office; and if there shall be no choice for any office, by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.
- Where certificates to be filed.** SEC. 18. It shall be the duty of the city clerk, within five days after the meeting and determination of the council, as provided in section sixteen, to notify each person elected, in writing, of his election; and he shall also, within five days after the council shall
- The vote to be determined by lot.**
- Notice to persons elected.**

appoint any person to any office, in like manner notify such person of such appointment.

SEC. 19. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the city clerk shall report in writing to the council the names of the persons elected or appointed to any office, who shall have neglected to file such oath, and requisite bond or security, for the performance of the duties of the office.

Neglect of officers elected to file oath and bond.

CHAPTER VII.

DUTIES AND COMPENSATION OF OFFICERS.—THE MAYOR.

SECTION 1. No person shall be elected or appointed to any office Qualifications. in the city unless he be an elector and a resident of said city for one year next preceding such election or appointment. The mayor Mayor, duties and powers of. shall be the chief executive officer of the city. He shall preside at the meetings of the council, and shall, from time to time, give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws relating to the city, and the ordinances and regulations of the council are enforced. He shall also countersign all orders and warrants drawn on the city treasurer.

SEC. 2. The mayor shall be a conservator of the peace, and may Conservator of the peace. exercise, within the city, the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

SEC. 3. The mayor may remove any officer appointed by him at Powers of removal and suspension. any time, and may suspend any policeman for neglect of duty. He shall have authority at all times to examine and inspect the books, records, and papers of any agent, employé, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

SEC. 4. In the absence or disability of the mayor, or of any Mayor pro tempore. vacancy in his office, the president *pro tempore* of the council shall perform the duties of mayor.

ALDERMEN.

SEC. 5. The aldermen of the city shall be members of the council, Duties of aldermen. and attend the meetings thereof, and act upon committees when thereunto appointed by the mayor or council. As conservators of the peace, they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. No alderman shall be elected or appointed to Shall hold no other office. any other office in the city during the term for which he was elected as alderman.

CITY CLERK.

Duties of city
clerk.

SEC. 6. The city clerk shall keep the corporate seal, and all the documents, official bonds, papers, files, and records of the city, not by this act or the ordinances of the city entrusted to some other officer; he shall be clerk of the council; shall attend its meetings, record all its proceedings, ordinances and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify, under the seal of the city, copies of the papers and records filed and kept in his office, and such copies shall be evidence in all places of the matters therein contained to the same extent as the original would be; he shall possess and exercise the powers of township clerk, so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations.

Idem.

SEC. 7. The city clerk shall be the general accountant of the city; and all claims against the corporation shall be filed with him for adjustment; after examination thereof, he shall report the same with all accompanying vouchers and counter claims of the city, and the true balance as found by him, to the council for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, which warrant shall be countersigned by the mayor, designating thereon the fund from which payment is to be made, and to take proper receipts therefor; but no warrant shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised, or appropriated, the clerk shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised, or appropriated and the amounts thereof to be credited to each fund.

Idem.

SEC. 8. The city clerk shall exercise a general supervision over all officers charged in any manner with the receipt, collection, and disbursement of the city revenues, and all the property and assets of the city; he shall have charge of all books, vouchers, and documents relating to the accounts, contracts, debts, and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all [the] warrants drawn thereon, keeping a separate account with each fund; when any fund has been exhausted, the clerk shall immediately advise the council thereof.

Report to council
when required.

SEC. 9. The city clerk shall report to the council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the coun-

cil may require. He shall extend the taxes upon all assessment In reference to tax-rolls.

CITY TREASURER.

SEC. 10. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases, and evidences of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof. He shall pay no money out of the treasury, except in pursuance of and by authority of law, and upon warrants, signed by the clerk, and countersigned by the mayor, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of and be charged with all taxes and moneys appropriated, raised, or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund indorsed thereon by the clerk.

SEC. 11. The treasurer shall render to the clerk, on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. He shall also exhibit to the council annually, on the third Monday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited, and out of which such disbursements are made, and the balances remaining in each fund, which accounts [account] shall be filed in the office of the clerk, and shall be published in one of the newspapers of the city.

SEC. 12. Said treasurer shall take receipts for all moneys paid from the treasury, showing the amount, and fund from which payment was made, and the voucher or warrant upon which it was paid, and file the same with the clerk with his monthly report.

SEC. 13. The city treasurer shall keep all moneys in his hands belonging to the city separate and distinct from his own moneys, and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidence of debt in his custody or keeping, for his own use or benefit or that of any other person; any violation of this section shall subject him to immediate removal from office by the city council, who are hereby authorized to declare the office vacant and to appoint his successor for the remainder of his term.

CITY MARSHAL.

SEC. 14. The city marshal shall be the chief of police of the city. As police officer he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and

Duties of city treasurer.

Monthly report to clerk.

Annual report to council.

To be filed and published.

Receipts to be taken and filed.

To keep city funds separate, and not to use same.

Penalty.

regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city, are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him, in all proceedings for violations of the ordinances of the city; such process may be served anywhere with [within] the State.

Idem.

SEC. 15. He shall suppress all riots, disturbances, and breaches of peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the corporation, and pursue and arrest any person fleeing from justice in any part of the State. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk in the streets, until they shall become sober.

Report of.

SEC. 16. The marshal shall report in writing and on oath to the council, at their first meeting in each month, all arrests made by him, and the cause thereof, and all persons discharged from arrest during the month; also, the number remaining in confinement for breaches of the ordinances of the city; the amount of all fines and fees collected by him. All moneys collected or received by the marshal, unless otherwise directed by this act, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the city clerk.

Fees of.

SEC. 17. The city marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services; but in no case shall fees be charged to, or be paid by the city. He may appoint such number of deputies as the council shall direct and approve, who shall have the same powers and perform the same duties as the marshal, and for whose official acts he shall be in all respects responsible, and the marshal and his deputies shall have the same power to serve and execute all process within the city limits as sheriffs or constables have by law to execute similar process.

Appointment of deputies.**Powers and duties of.**

SEC. 18. The city attorney, in addition to the other duties prescribed by [in] this act, shall be the legal adviser of the council and of all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute for offenses against the ordinances of the city.

CITY ATTORNEY.

Powers and duties of.

SEC. 19. The city surveyor shall have and exercise within the city, the like powers and duties as are conferred by law upon county surveyors, and the like effect and validity shall be given to his official acts, surveys, and plats as are given by law to the acts

CITY SURVEYOR.

and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications required by the council or officers of the city, relating to the public improvements, buildings, grounds, and streets of the city.

STREET COMMISSIONER.

SEC. 20. It shall be the duty of the street commissioner to perform, or cause to be performed, all such labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds, and parks within the city as the council shall direct to be done by or under his supervision, and to oversee and do whatever may be required of him in relation thereto by the council.

SEC. 21. He shall make a report to the council, in writing and on oath, once in each month, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor, the amount of material used, and the expense thereof, and the street or place where such material was used, or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report, and no payment for labor or services performed, or for expenses incurred by him shall be made until reported on oath as aforesaid.

CONSTABLES.

SEC. 22. The constables of the city shall have the like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of the ordinances of the city.

SEC. 23. The constables of the city shall obey all lawful orders of the mayor, aldermen, and chief of police, and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution, or regulation of the council, and for any neglect or refusal to perform any duty required of him, every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable before entering upon the duties of his office shall give such security for the performance of the duties of his office as is required of constables in townships, or as may be required by the council, and file the same with the city clerk.

SUPERVISORS.

SEC. 24. The supervisors of the several wards are authorized to perform the same duties in relation to the assessment of property as are imposed by law upon supervisors elected in townships, and they shall have the like powers and perform the like duties in all other respects as supervisors so elected, except as herein otherwise provided, so far as such powers and duties are required to be exercised and performed in their wards; they shall represent their several

wards in the board of supervisors of the county in which the city is located, and shall have all the rights, privileges, and powers of the several members of such boards of supervisors.

Jury lists. SEC. 25. The supervisors of the several wards shall select and return lists of grand and petit jurors to the clerk of the county, in the same manner and within the same time as the like duty is required to be performed by township officers.

JUSTICES OF THE PEACE.

Powers, duties, and jurisdiction. SEC. 26. The justices of the peace elected in said city under the provisions of this act shall have and exercise therein and within the county the same jurisdiction and powers in all civil and criminal matters, causes, suits, and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of the State. They shall have authority to hear, try, and determine all actions and prosecutions for the recovery or enforcing of fines, penalties, and forfeitures for violations of this act, and for encroachments upon and injuries to any of the streets, alleys, and public grounds within the city, except in cases where jurisdiction is given to some other court. They shall have authority to hear, try, and determine all suits and prosecutions for the recovery or enforcing of fines, penalties, and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances as in the ordinances prescribed and directed, subject only to the limitations prescribed in section seventeen, of chapter nine of this act.

General laws to govern suits before. SEC. 27. The proceedings in all suits and actions before said justices, and in the exercise of the powers and duties conferred upon and required of them, shall, except as otherwise provided in this act, be according to, and be governed by, the general laws applicable to courts of justices of the peace, and to the proceedings before such officers.

Dockets of; what to contain. SEC. 28. Every justice of the peace shall enter in the docket kept by him the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings and the judgment rendered in every such cause, and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties, and forfeitures, moneys, and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justice at all times to the examination of any person desiring to examine the same, and shall be produced by the justice to the council whenever required.

To pay over money monthly. SEC. 29. All fines, penalties, and forfeitures, collected or received by any justice of the peace, for or on account of violations of the penal laws of the State, and all fines, penalties, forfeitures, and moneys collected or received by such justice, for or on account of violations of any ordinances of the city, shall be paid over by such justice to the city treasurer on or before the first Monday of the month next after the collection or receipt thereof, and the

justice shall take the receipt of the city treasurer therefor, and file the same with the city clerk.

Sec. 30. Every such justice shall report, on oath, to the council, ^{Monthly report to council.} at the first regular meeting thereof in each month, the name of every person against whom a prosecution has been commenced, or judgment rendered, for any of the fines, penalties, or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution, and the amount thereof paid to the city treasurer since the last preceding report.

Sec. 31. All fines recovered for the violations of the penal laws ^{Fines and expenses.} of the State, when collected and paid into the city treasury, shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city for violations of said criminal laws, and in punishing the offenders, shall be paid by the county in which the city is located.

Sec. 32. Every justice of the peace, in addition to any other ^{Bond to the city.} security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the city, in a penalty of one thousand dollars (\$1,000), with sufficient sureties, to be approved by the mayor, which approval shall be endorsed upon the bond, conditioned for the faithful performance of the duties of justice of the peace, within and for the city.

Sec. 33. Any justice of the peace who shall be guilty of misconduct in office, or who shall willfully neglect or refuse to perform or ^{Misconduct or neglect of.} discharge any of the duties of his office required by this act, or any of the ordinances of the city, shall be deemed guilty of a misdemeanor, and punishable accordingly, and may be suspended from office by the council during its pleasure.

Sec. 34. Every justice of the peace of the city, shall account on oath to the council, at their first meeting in each month, for all such moneys, goods, wares, and property seized as stolen property, as shall then remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by the ordinances of the city.

Sec. 35. In addition to the rights, powers, duties, and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties, and liabilities subject to and consistent with this act, as the council shall deem expedient, and prescribed by ordinance or resolution. ^{Additional powers, duties, and liabilities of officers.}

Sec. 36. The mayor and aldermen may each receive such salary, not exceeding fifty dollars per year, as may be prescribed by the council. The city marshal, city clerk, treasurer, city attorney, and engineer of the fire department shall each receive such annual salary as the council shall determine by ordinance. The compensation of supervisors for all services performed by them in connection with the making of assessment rolls and reviewing the same, shall be such as the council may from time to time determine. Justices of the peace, constables, and officers serving process and making arrests, may, when engaged in causes and proceedings for violations ^{Salaries and compensation of officers.}

of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city shall, except as herein otherwise provided, receive such compensation as the council shall determine.

Not to be changed during term.

SEC. 37. The salary or rate of compensation of any officer elected or appointed by authority of this act, shall not be increased or diminished during his term of office, and no person who shall have resigned or vacated any office shall be eligible to the same office during the term for which he was elected or appointed, when during the same time the salary or rate of compensation has been increased by the council: *Provided, however,* That aldermen and supervisors may receive in addition to their salaries such compensation as the council may allow them for services on the board of registration and as inspectors of election [elections].

Proviso.

CHAPTER VIII.

THE CITY COUNCIL.

**Authority.
Composed of.**

SECTION 1. The legislative authority of said city shall be vested in a council, consisting of the mayor, two aldermen elected from each ward, and the city clerk.

President.

SEC. 2. The mayor shall be president of the council, and preside at the meetings thereof, but shall have no vote therein, except in case of a tie, when he shall have the casting vote.

President pro tempore.

SEC. 3. On the first Monday in May in each year, the council shall appoint one of their number president *pro tempore* of the council, who, in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions. In the absence of the president and president *pro tem.* the council shall appoint one of their number to preside; and for the time being he shall exercise the powers and the duties of the president *pro tem.*

Clerk of.

SEC. 4. The city clerk shall be clerk of the council, but shall have no vote therein. He shall keep a full record of all the proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the clerk, the council shall appoint one of their number to perform the duties of his office for the time being.

Aldermen to attend meetings of.

SEC. 5. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon.

Judges of election of members, etc.

SEC. 6. The council shall be judge of the election returns, and qualifications of its own members. It shall hold regular, stated meetings for the transaction of business, at such times and places within the city as it shall prescribe, not less than two of which shall be held in each month. The council shall by ordinance declare how special meetings shall be called.

Meetings of.

SEC. 7. All meetings and sessions of the council shall be held in public. A majority of the aldermen shall make a quorum for the

Meetings of to be public.

transaction of business; a less number may adjourn from time to quorum. time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley, or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council, nor shall any resolution be passed or adopted except by a vote of the majority of all the aldermen elected to office, except as herein otherwise provided.

SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays and be so entered upon the journal as to show the names of those voting in the affirmative, and those in the negative; and within one week after any meeting of the council, all the proceedings and votes taken thereat shall be published in one of the newspapers of the city.

SEC. 9. The council may compel the attendance of its members and other officers of the city, at its meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct, by any member or any person present at any session of the council.

SEC. 10. The city attorney, city marshal, street commissioner, city surveyor, and engineer of the fire department shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

SEC. 11. The council shall have control of the finances, and of all the property, real and personal, of the city corporation, except as may be otherwise provided by law.

SEC. 12. Whenever by this act, or any other provisions of law, any power or authority is vested in, or duty imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.

SEC. 13. The council may provide by ordinance for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor.

SEC. 14. The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers, and papers, relating to the finances and affairs of the city, or to the official acts of any offi-

*Acts requiring
two-thirds vote.*

*How money
appropriated.*

*Rules for the
proceedings of.*

*Proceedings of
to be published.*

*Attendance of
members of may
be enforced.*

*What city off.
cers entitled to
seats in.*

*Execution of
powers, etc.
conferred by
law.*

*Standing
committees.*

*Records, books,
papers, etc.,
where kept.*

cer of the corporation, unless required by law to be kept elsewhere, to be deposited and kept in the office of the city clerk, and to be so arranged, filed, and kept as to be convenient of access and inspection, and all such records, books, and papers shall be subject to inspection by any inhabitants of the city, or other persons [person] interested therein, at all reasonable times, except such parts thereof as in the opinion of the council it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter, or destroy any such books, records, documents, or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State prison, not longer than one year, or by fine not exceeding one thousand (1,000) dollars, or by both such fine and imprisonment, in the discretion of the court.

**Penalty for
injuring records,
etc.**

SEC. 15. No member of the council or alderman shall receive any compensation for his services, either as councilman, alderman, committeeman, or otherwise, except as herein provided.

**Extra compen-
sation prohib-
ited.**

SEC. 16. No member of the council or any officers of the corporation shall be interested directly, or indirectly, in the profits of any contract, job, work, or services, other than official services, to be performed for the corporation. Any member of the council, or officer of the city herein specified, offending against the provisions of this section, shall, upon conviction thereof, be fined not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

**Officers not to be
interested in
contracts.**

Penalty.

**Removal from
office.**

**Investigation of
charges against
officers.**

**Powers of on
investigation.**

SEC. 17. Any person appointed to office by the council by authority of this act, may be removed therefrom by a vote of the majority of the aldermen elect, and the council may expel any alderman, or remove from office any person elected thereto, by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provision shall be made by ordinance for preferring charges and trying the same; and no removal of an elective officer shall be made unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

SEC. 18. To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor, or any justice of the peace of the city is empowered, at the request of the council, to issue subpoenas or process by warrant to compel the attendance of persons and the production of books and papers before the council, or any committee thereof.

SEC. 19. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council, or chairman of such committee for the time being, shall have power to administer the necessary oaths; and such council or committee shall have the same power to compel the witnesses to testify as is conferred on courts of justices of the peace.

SEC. 20. The council shall audit and allow all accounts chargeable against the city; but no account, or claim, or contract shall be received for audit or allowance, unless it shall be accompanied with an affidavit of the person rendering it, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are indorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city, that it has never been presented, verified as aforesaid, to the council for allowance; or that the claim was presented without the affidavit aforesaid, and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

CHAPTER IX.

ORDINANCES.

SECTION 1. The style of all ordinances shall be, "The City of Menominee ordains." All ordinances shall require, for their passage, the concurrence of a majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

SEC. 2. When, by the provisions of this act, the council of the city has authority to pass ordinances for any purpose, they may prescribe fines, penalties, and forfeitures, not exceeding five hundred dollars ^{etc.} unless a greater fine or penalty is herein authorized, or imprisonment not exceeding six months, or both, in the discretion of the court, together with costs of prosecution, for each violation of any of said ordinances; and may provide that the offender, on failing to pay any such fine, penalty, or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding six months, unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison or in the county jail of the county within which the city is located, or in such other prison or place of confinement in the State as the council may prescribe; and that the offender be kept at labor during such imprisonment. Such fine, penalty, forfeiture, and imprisonment, for the violation of any ordinance, shall be prescribed therein.

SEC. 3. On the same day or the next day after the passage of any ordinance, the clerk of the council shall present the same to the mayor, or other person performing the duties of mayor, for his approval. No ordinance shall be of any force without the written approval of the mayor or other person performing for the time being the duties of his office, unless he omit to return it to the clerk of the council with his objections thereto, within three days

after its presentation to him, in which case it shall be deemed regularly enacted. If, after the return of the ordinance with the objections thereto as aforesaid, the same shall be passed or reenacted by a vote of two-thirds of all the aldermen elected, the ordinance shall be deemed regularly enacted, and the time of its reenactment shall be deemed to be the time of its passage by such two-thirds vote.

Duty of clerk as to approval, etc.

SEC. 4. At the time of presenting any ordinance to the mayor for his approval, the clerk of the council shall certify thereon, and also in the journal or record of the proceedings of the council, the time when the same was so presented, and shall also certify thereon, and in such journal or record, the time of the return of such ordinance, and whether approved or with objections, and shall, at the next meeting of the council report any ordinance returned with objections thereto.

Revival of ordinances.

SEC. 5. No ordinance shall be revived unless the whole, or so much as is intended to be revived, shall be reenacted. When any section of an ordinance is amended, the whole section, as amended, shall be reenacted.

Ordinances to be recorded.

SEC. 6. All ordinances, when approved by the mayor, or when regularly enacted, shall be immediately recorded by the clerk of the council, in a book to be called the "record of ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

Ordinances to be published.

SEC. 7. Within one week after the passage of an [any] ordinance, the same shall be published in some newspaper printed and circulated within the city, and the clerk shall, immediately after such publication, enter on the record of ordinances, in a blank space to be left for such purpose under the recorded ordinances, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

Judicial notice to be taken in courts.

SEC. 8. In all courts having authority to hear, try, or determine any matter or cause arising under the ordinances of said city, and in all proceedings in such city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions, and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations, or ordinances of the city, or any resolution adopted by the council thereof, the same may be read in all courts of justice and in all proceedings: *first*, from a record thereof kept by the city clerk: *second*, from a copy thereof, or of such record thereof, certified by the clerk, under the seal of the city: *third*, from any volume of ordinances purporting to have been written or printed by authority of the council.

How proved in courts.

CHAPTER X.

ENFORCEMENT OF ORDINANCES.

SECTION 1. Prosecutions for violations of the ordinances of the city shall be commenced within two years after the commission of the offense; and shall be brought within the city.

SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction thereof [therefor], such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property it may be sued for and recovered in an action of trover, assumpsit, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance the same shall be sued for in one of the actions aforesaid.

SEC. 3. Such action shall be brought in the name of the city, ^{Idem.} and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the cause, shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violation of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action.

SEC. 4. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced ^{Suits commenced by warrant.} by warrant for the arrest of the offender.

SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to ^{Form of warrant.} the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be, to the provisions of law regulating the proceedings in criminal causes cognizable by justices of the peace.

SEC. 6. If the accused shall be convicted, the court shall render ^{Judgment upon conviction.} judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.

Execution of judgment

SEC. 7. Every such judgment shall be executed by virtue of an execution or warrant, specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If the judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

City entitled to use of county jail.

SEC. 8. The city shall be allowed the use of the jail of the county in which it is located for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to, and committed to imprisonment, in such county jail or in the city prison, or other place of confinement provided by the city, or authorized by the ordinances of the city, and the sheriff or other keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

To whom process directed.

SEC. 9. All process issued in any prosecution or proceeding, for the violation of any ordinance of the city, shall be directed to the city marshal, or to any constable of the city or county, and may be executed in any part of the State, by said officers or any other officer authorized by law to serve process issued by justices of the peace.

Ordinances, how set forth in warrants, pleadings, etc.

SEC. 10. It shall not be necessary in any suit, proceeding, or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provisions thereof, in any complaint, warrant, process, or pleading therein; but the same shall be deemed sufficiently set forth or stated, by reciting its title and the date of its passage or approval, and it shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval, and every court or magistrate, having authority to hear or determine the cause, shall take judicial notice of the enactment, existence, and provisions of the ordinances of the city, and the resolutions of the council, and of the authority of the city to enact the same.

Trial by jury.

SEC. 11. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except where other provision is made, shall consist of six persons, and in

suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.

SEC. 12. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county in which the city is located by appeal or writ of *certiorari*; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court shall be the same as on appeal and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings by *certiorari* into the circuit court; and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given as in cases of appeal and *certiorari* in civil causes tried before justices of the peace, except that the city shall not be required to give any bond or security thereon. The circuit court to which the cause shall be appealed or removed by *certiorari* shall also take judicial notice of the ordinances of the city, and the resolutions of the council, and of the provisions thereof.

SEC. 13. All fines imposed for the violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury, except such fines as by the constitution are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

SEC. 14. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving such fine, who shall willfully neglect or refuse to pay over the same, as required by the foregoing provisions, shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

SEC. 15. Fines paid into the city treasury, for violations of the ordinances of the city, shall be disposed of as the council may direct.

*Removal of
proceedings to
circuit court*

*Fines, by whom
received.*

*To be paid into
city treasury.*

*Disposition of
money received
from fines.*

The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city.

Jurisdiction of circuit court.

SEC. 16. The circuit court of the county in which the city is located shall have jurisdiction to hear, try, and determine all causes arising under the ordinances of the city for violations thereof, when the fine or forfeiture imposed shall exceed two hundred dollars, or where the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in all such cases shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of the criminal laws of the State, and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties, shall apply.

Concurrent jurisdiction of justices.

SEC. 17. The justices of the peace of the city shall have concurrent jurisdiction in all cases mentioned in the preceding section; but they shall not render judgment for more than two hundred dollars of the penalty or forfeiture imposed by any ordinance for the violation thereof; nor shall they sentence to imprisonment for a longer period than ninety days.

Security for costs.

SEC. 18. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the city, the court may require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted.

CHAPTER XI.

GENERAL POWERS OF THE CITY CORPORATION.

General powers and authority.

SECTION 1. The city shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, viz.:

To prevent vice, etc.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct, or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Vagrants, etc.

Second, To apprehend and punish vagrants, drunkards, disorderly persons, and common prostitutes;

To preserve health, prevent nuisances, etc.

Third, To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue, or remove the same; and generally to determine and declare what shall be deemed nuisances;

Disorderly houses.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

Fifth, To regulate and license billiard tables, nine or ten-pin Billiards, ten pin alleys, etc. alleys or tables, and ball alleys, and to punish the keepers thereof;

Sixth, To prohibit and suppress every species of gaming, and to Gaming. authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

Seventh, To regulate ale, beer, and porter houses, and all places Ale, beer, and porter houses. of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof; and to require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe;

Eighth, To prohibit and prevent the selling or giving of any Spirituous liquor. spirituous, fermented, or intoxicating liquors to any drunkards [drunkard] or intemperate person, minor, or apprentice, and to punish any person so doing;

Ninth, To regulate, restrain, and prohibit all sports, exhibitions Shows. of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary, or scientific subjects excepted;

Tenth, To prevent and punish violations of the Sabbath day, and Sabbath. the disturbance of any religious meeting, congregation, or society, or other public meeting assembled for any lawful purpose, and to require all places of business to be closed on the Sabbath day;

Eleventh, To license auctioneers, auctions, and sales at auction, Auctions. to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public biddings, or offers by the buyers or sellers, after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;

Twelfth, To license hawkers, peddlers, and pawnbrokers, and Peddlers. hawking and peddling; and to regulate, license, or prohibit the sale or peddling of goods, wares, merchandise, refreshments, or any kind of property, or thing, by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device in the streets, highways, or in or upon the wharves, docks, open places or spaces, public grounds, or buildings in the city;

Thirteenth, To license and regulate wharf-boats, and to regulate Wharf-boats, tugs, etc. the use of tugs and other boats used in and about the harbor, and within the jurisdiction of the city;

Fourteenth, To establish, or authorize, license, and regulate Ferries. ferries to and from the city, or any place therein, or from one part of the city to another, and to regulate and prescribe from time to time the charges and prices for the transportation of persons and property thereon;

- Taverns and saloons.** *Fifteenth*, To regulate and license all taverns and houses of public entertainment; all saloons, restaurants, and eating houses;
- Public vehicles.** *Sixteenth*, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire in the city;
- Toll bridges.** *Seventeenth*, To regulate and license all toll-bridges within the city, and to prescribe the rates and charges for passage over the same;
- Inspection of provisions.** *Eighteenth*, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat, and other provisions;
- Brick, lumber, etc.** *Nineteenth*, To regulate the inspection, weighing, and measuring of brick, lumber, firewood, coal, hay, and any articles [article] of merchandise;
- Weights and measures.** *Twentieth*, To provide for the inspection and sealing of weights and measures;
- Ideas.** *Twenty-first*, To enforce the keeping and use of proper weights and measures by vendors;
- Vaults, sewers, etc.** *Twenty-second*, To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, sewers, and gutters;
- Indecent exposure, obscenity, etc.** *Twenty-third*, To prohibit and prevent, in the streets, or elsewhere in said city, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind;
- Bathing.** *Twenty-fourth*, To regulate or prohibit bathing in the rivers, ponds, streams, and waters of the city;
- Purity of streams.** *Twenty-fifth*, To provide for clearing the rivers, ponds, and streams of the city, and the races connected therewith, of all drift-wood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the water thereof impure, unwholesome, and offensive;
- Unwholesome places.** *Twenty-sixth*, To compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter-house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove, or abate the same, whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of said city;
- Gunpowder, fireworks, etc.** *Twenty-seventh*, To regulate the keeping, selling, and using of gunpowder, fire-crackers, and fire-works, and other combustible materials, and the exhibition of fire-works, and the discharge of firearms, and to restrain the making or lighting of fires in the streets, and other open spaces in the city;
- Drains, cellars, etc.** *Twenty-eighth*, To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same or to cause the same to be done by some proper officer of the corporation, and to assess the expense thereof on the lot or premises having such cellar, slip, barn, private drain, sink, or privy thereon;

Twenty-ninth, To prohibit, prevent, and suppress mock auctions Mock auctions. and every kind of fraudulent game, device, or practice, and to punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof;

Thirty-tenth, To prohibit, prevent, and suppress all lotteries for Lotteries. the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing, or managing the same;

Thirty-first, To license and regulate solicitors for passengers or Hackmen, runners, etc. baggage for any hotel, tavern, public house, boat, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description, used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Thirty-second, To provide for the protection and care of paupers, Paupers. and to prohibit and prevent all persons from bringing to the city from any other place any pauper or other person likely to become a charge upon said city, and to punish therefor;

Thirty-third, To provide for taking a census of the inhabitants Census. of the city whenever the council shall see fit, and to direct and regulate the same;

Thirty-fourth, And further: The council shall have authority to General authority to enact ordinances. enact all ordinances and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order, and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation, or for any purpose whatever.

Sec. 2. The council may prescribe the terms and conditions Granting license. upon which license may be granted, and may exact and require payment of such sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, Bonds. execute a bond to the corporation in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revocable by the council at pleasure, and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

Sec. 3. No license shall be granted for any term beyond the first Term for which granted. Monday in June thereafter, nor shall any license be transferable; and the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise Penalty for doing business without. any occupation or trade, or do anything for or in respect to

which any license shall be required by any ordinance or regulation of the council.

Moneys received for. SEC. 4. All sums received for license granted for any purpose, by the city, or under its authority, shall be paid into the city treasury to the credit of the contingent fund.

Council to regulate laying of tracks of R. R. companies. SEC. 5. The council shall have authority to permit any railroad company to lay its track and operate its road with steam locomotives in or across the public streets, highways, or alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such track, or the operating of any such road, except upon such terms and conditions.

Grade of streets, and running of trains. SEC. 6. The council shall have power to provide for and change the location and grade of street crossings of any railroad track, to conform to street grades which may be established by the city from time to time; and to construct street crossings in such manner and with such protection to persons crossing thereat, as the council may require; and to keep them in repair; also, to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains within the city; but such speed shall not be required to be less than four miles per hour; and to impose a fine not less than five nor more than fifty dollars upon the company, and upon any engineer or conductor violating any ordinance regulating the speed of trains.

Item. SEC. 7. The council shall have power to require and compel any railroad company, and any street railway company, to make, keep open and in repair, such ditches, drains, sewers, and culverts along and under or across their railroad tracks as may be necessary to drain their grounds and right of way properly, and in such manner as the council may [shall] direct; and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company shall neglect to perform any such requirement according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in a civil action before any court having jurisdiction of the cause.

Partition fences. SEC. 8. The council is authorized to enact all such ordinances and laws as it may deem proper, relative to the building, re-building, maintaining, and repairing of partition fences by the owners and occupants of adjoining lots, enclosures, and parcels of land in said city; and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments, and divisions, when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and require-

ments of any ordinance relative to such partition fences. And the ^{Fence viewers,} council may appoint fence-viewers, and prescribe their duties and mode of proceeding in all cases relating to partition fences in said city.

SEC. 9. The council may make such provisions as they shall ^{Support of poor.} deem expedient for the support and relief of poor persons residing in the city ; and for that purpose may provide by ordinance for the election or appointment of a director of the poor, for the city, and may prescribe his duties and vest him with such authority as may be proper for the due exercise of his duties.

CHAPTER XII.

POLICE.

SECTION 1. The council may provide, by ordinance, for a police ^{Appointment of.} force, and for the appointment by the mayor, by and with the consent of the council, of such number of policemen and night watchmen as they may think necessary for the good government of the city, and for the protection of the persons and property of the inhabitants ; and may authorize the mayor to appoint special ^{Special.} policemen from time to time, when in his judgment, the emergency or necessity may so require ; and may provide for and appoint subordinate officers for the police, and night-watchmen.

SEC. 2. The council may make and establish rules for the regu- ^{Rules for gov-}
lation and government of the police, prescribing and defining the ^{ment of.} powers and duties of policemen and night-watchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredation. And the mayor is hereby authorized, whenever he shall deem it ^{Temporary} _{police.} necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergency of the case may require ; but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days.

SEC. 3. The city marshal, subject to the direction of the mayor, ^{City marshal} _{chief of.} shall, as chief of police, have the superintendence and direction of the policemen and night watchmen, subject to such regulations as may be prescribed by the council.

SEC. 4. It shall be the duty of the police and night-watchmen ^{Powers and}
and officers of the force, under the direction of the mayor and chief _{duties of.} of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances, and breaches of the peace ; and to pursue and arrest any person fleeing from justice, in any part of the State, to apprehend any and all persons in the act of committing any offense against the laws of the State, or the ordinances of the city, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense ; to make complaints to the proper officers and magistrates of any person known or believed

by them to be guilty of the violation of the ordinances of the city, or of the penal laws of the State; and at all times diligently and faithfully to enforce all such laws, ordinances, and regulations for the preservation of good order and the public welfare as the council may ordain; and to serve all process directed or delivered to them for service, and for such purposes the chief of police and every policeman and night watchman shall have all the powers of constables, and may arrest upon view and without process, any person in the act of violating any ordinance of the city or of committing crime against the laws of the State. And the chief of police and any policeman may serve and execute all process in suits and proceedings for violation of the ordinances of the city, and also within the limits of the city any other process which, by law, a constable may serve.

Fees of.

SEC. 5. When employed in the service of process, policemen shall receive the same fees therefor as are allowed constables for like services; when otherwise engaged in the performance of police duty they shall receive such compensation therefor from the city as the council may prescribe. Every policeman shall report on oath to the council, at its first meeting in every month, the amount of all moneys and fees received by him for services as policeman since his last preceding report, and the names of the persons from whom received, and the amount received from each.

Suspension and removal.

SEC. 6. The mayor may suspend any policeman or night watchman for neglect of duty, misconduct, or other sufficient cause, and the council may remove from office any policeman appointed thereto at any time.

CHAPTER XIII.**CITY PRISON.****Council to provide.**

SECTION 1. The council shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein.

Prisoners may be kept at hard labor.

SEC. 2. All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of imprisonment, either within or without the prison, under such regulations as the council may prescribe.

CHAPTER XIV.**PUBLIC HEALTH.****Protection of and prevention of diseases.**

SECTION 1. The council may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants of said city, and to prevent the introduction of malignant, infectious, or contagious diseases, within the city, or within one mile thereof; and for the removal of persons

having such diseases, or who, from exposure thereto, or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the city limits, or to such hospital or place of treatment within the city as the council may prescribe, or the public safety may require.

SEC. 2. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the city; and may require any person, corporation, or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice and within such time, and in such manner as the council may by ordinance or resolution direct.

SEC. 3. If any cellar, vault, lot, sewer, drain, place, or premises within the city shall be damp, unwholesome, offensive, or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, amended, or purified; or may require the owner or occupant, or person in charge of such lot, premises, or place, to perform such duty; and may require the owner or occupant of any building, fence, or structure which may be ruinous, or liable to fall and injure persons or property, to pull down or remove the same, or the council may cause the same to be done by the proper officers of the city.

SEC. 4. If any person, corporation, or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council, or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to be performed, such expense may be recovered by the city in any action of debt or assumpsit against such person, corporation, or company. And in all cases where the city shall incur any expense for draining, filling, cleansing, or purifying any lot, place, or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same, or such part thereof as they shall deem proper, upon the lot or premises upon, or on account of which such expense was incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises, and collected as a special assessment.

SEC. 5. The council, when they shall deem it necessary, may from time to time assign by ordinance certain places within the city for the exercising of any trade or employment offensive to the inhabitants, or dangerous to the public health; and may forbid the exercise thereof in places not so assigned, and may change or revoke such assignment at pleasure; and wherever a business, carried on in any place so assigned, or in any other place in the

Abatement and prevention of nuisances.

Cleaning unwholesome places.

Removal of dangerous structures.

Expense of, how recovered.

Assignment of place for dangerous or offensive business.

city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

Hospitals for
dangerous
diseases.

SEC. 6. The council may purchase the necessary lands, and erect thereon, or otherwise provide one or more hospitals, either within or without the city limits, and provide for the appointment of the officers, attendants, or employés for the care and management thereof, and for the care and treatment therein of such sick and diseased persons as to the council or board of health of the city shall seem proper; and by direction of the council or board of health persons having any malignant, infectious, or contagious disease may be removed to said hospital and there detained and treated when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

Council vested
with powers of
boards of health.

SEC. 7. The council shall also have and exercise within and for the city, all the powers and authority conferred upon boards of health by chapter forty-six of the compiled laws of eighteen hundred and seventy-one, so far as the same are applicable and consistent with this act; and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

Establishment
and powers of
board of health.

SEC. 8. The council, when deemed necessary, may establish a board of health for the city, and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule or regulation made by the board of health, or any officer thereof.

CHAPTER XV.

CEMETERIES.

Acquisition of,
and regulation
of interment.

SECTION 1. The city may acquire, hold, and own such cemetery or public burial place, or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city, in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere. The board of health of the township of Menominee are hereby authorized to grant and convey to said city all cemeteries situated within the limits thereof.

SEC. 2. The council may, within the limitations in this act con-

tained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, protection, and care thereof.

SEC. 3. Whenever the city shall own, purchase, or otherwise acquire any cemetery or cemetery grounds, the council shall appoint three trustees, who shall be freeholders and electors in the city, and who, with the city clerk, shall constitute a board of cemetery trustees. The three trustees so appointed shall hold their office [offices] for the term of three years, except that at the first appointment one shall be appointed for one year, one for two years, and one for three years from the first Monday in May of each year when appointed, and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed, for inattention to his duties, want of proper judgment, skill, or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation.

SEC. 4. The board of cemetery trustees shall appoint one of their number chairman, and the city clerk shall be clerk of the board. And the council may, by ordinance, invest the board with such powers and authority as may be necessary for the care, management, and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof, and in addition to the duties herein mentioned the board shall perform such other duties as the council may prescribe.

SEC. 5. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvement and embellishments of the grounds, cause such grounds to be laid out into lots, avenues, and walks; the lots to be numbered and the avenues and walks to be named, and plats thereof to be made and recorded in the office of the city clerk. The board shall fix the price of lots, and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the city clerk, and be recorded in his office at the expense of the purchasers.

SEC. 6. Said board shall appoint the necessary superintendents and employés for the cemetery, expend the money provided for the care and improvement of the grounds, enforce the ordinances of the city made for the management and care thereof, and make such regulations for the burial of the dead, the care and protection of the grounds, monuments, and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds as may be consistent with the ordinances of the city and the laws of the State.

SEC. 7. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose, except the purpose of such cemetery. The board of trustees shall report to the council annually on the first Monday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source and

Council may
raise money for
purchase and
improvement of.

Council to
appoint trustees.

Term of office.

Removal of.

Organization and
powers of board.

Board to have
care and man-
agement of.

Superintendent.

Trustees to
report monthly.

from whom, and the date, amount, items, and purpose, expenditures and liabilities incurred and to whom paid, and to whom incurred; and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

General authority and powers over.

SEC. 8. The council, if the city owns a public burial ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control or regulate such cemetery or burial place, and the improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board of cemetery trustees.

Church cemeteries.

SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to, or under the control of, any church, religious society, corporation, company, or association, and for the protection and preservation of the tombs, monuments, and improvements thereof, and the appurtenances thereto.

CHAPTER XVI.

POUNDS.

Establishment of, and appointment of pound masters.

SECTION 1. The council may provide and maintain one or more pounds within the city, and may appoint pound-masters, prescribe their powers and duties, and fix their compensation, and may authorize the impounding of all beasts, geese, and other fowls found in the streets or otherwise at large, contrary to any ordinance of the city; and if there shall be no pound or pound-master, they may provide for the impounding of such beasts, geese, and fowls, by the marshal, in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of pound master.

Fees and penalties.

SEC. 2. The council may also prescribe the fees for impounding, and the amount or rate of expense for keeping, and the charges to be paid by the owner or keeper of the beasts, geese, or fowls impounded; and may authorize the sale of such beasts, geese, and fowls, for the payment of such fees, expenses, and charges, and for penalties incurred, and may impose penalties for rescuing any beasts or thing impounded.

CHAPTER XVII.

HARBORS, WHARVES, AND HARBOR-MASTERS.

Establishment and control of wharves.

SECTION 1. The council shall have the power to establish, construct, maintain, and control public wharves, docks, piers, landing places, and levees, basins, and canals, upon any lands or property belonging to or under the control of the city, and for that purpose the city shall have the use and control of the shore or bank of any lake or river within the city not the property of individuals, to the extent to which the State can grant the same, and the council may

lease wharfing and landing privileges upon any of the public wharves, docks, or landings, but not for a longer time than five years, and in such manner as to preserve the right of all persons to a free passage over the same with their baggage.

SEC. 2. The council shall have the authority also to require and ~~Idem.~~ cause all docks, wharves, and landings, whether upon public grounds or upon the property of private individuals, to be constructed and maintained in conformity with such grade as may be established therefor by the council, and prescribe the line beyond which any such wharf, dock, or landing shall not be constructed or maintained.

SEC. 4. The council shall have the authority to provide, by ordinance, for the preservation of the purity of the waters of any harbor, river, or other waters within the city, and within one-half of a mile from the corporate boundaries thereof; to prohibit and punish the casting or depositing therein of any filth, logs, floating matter, or any injurious thing; to control and regulate the anchorage, moorage, and management of all boats, water-craft, and floats within the jurisdiction of the city; to prescribe the mode and speed of entering and leaving the harbor and of coming to and departing from the docks, wharves, and landing by boats, water-craft, and floats, and to regulate and prescribe by such ordinances, or through a harbor-master or other officer, such location for any boat, craft, vessel, or float, and such changes of station in, and use of the harbor as may be required to promote order therein, and the safety and convenience of all such boats, crafts, vessels, and floats, and generally to enact and enforce such ordinances and regulations not inconsistent with the laws of the United States and of this State as in the opinion of the council shall be most conducive to the orderly, safe, and convenient use and occupancy of the harbor, navigable waters, wharves, docks, piers, and landing places within the city.

SEC. 5. The council may also license and regulate the use of tugs, ^{Tugs and towage.} and prescribe the rates and charges of towage within the harbor or other waters of the city, and regulate the opening and passage of bridges.

SEC. 6. The council may also appoint a harbor-master, wharf-master, port wardens, and such other officers as may be necessary for the enforcement of all such ordinances and regulations as the council may lawfully enact and prescribe in respect to and over the navigable waters, harbors, wharves, docks, landings, and basins within the city, and in respect to the navigation, trade, and commerce of the city, and prescribe the powers and duties of such harbor-masters, and other officers, and to fix the compensation to be ^{Harbor master, etc.} paid to them.

CHAPTER XVIII.

FERRIES.

SECTION 1. The council may regulate and license ferries from the city or any place of landing therein to the opposite shore, or ^{Regulation and license of.}

from one part of the city to another; and may require the payment of such reasonable sum for such license as the council shall deem proper; and may impose such reasonable terms and restrictions in relation to the keeping and management of such ferries, and the time, manner, and rate of carriage and transportation of persons and property as may be proper; and provide for the revocation of any such license, and for the punishment, by proper fines and penalties, of the violation of any ordinance prohibiting unlicensed ferries, and regulating those established and licensed.

CHAPTER XIX.

MARKETS.

Erection and regulation of.

SECTION 1. The council shall have the power to erect market-houses, establish and regulate markets or [and] market places for the sale of meats, fish, vegetables, and other provisions and articles necessary to the sustenance, convenience, and comfort of the inhabitants; to prescribe the times for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the vendors.

Prevention of fraud, and preservation of order.

SEC. 2. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets; and may authorize the immediate seizure, arrest, and removal from the market, of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats, or other provisions exposed for sale therein.

CHAPTER XX.

PUBLIC BUILDINGS, GROUNDS, AND PARKS.

Acquisition, use of, etc.

SECTION 1. The city may acquire, purchase, and erect all such buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary or convenient for the public good, and the execution of the powers conferred in this act; and such building and grounds, or any part thereof, may be sold, leased, mortgaged, and disposed of as occasion may require.

Hospitals, pest houses, water-works, etc., outside city limits.

SEC. 2. When the council shall deem it for the public interest, grounds and buildings for city prisons, work-houses, hospitals, pest houses, cemeteries, water-works, and other necessary public uses may be purchased, erected, and maintained beyond the corporate limits of the city, and in such cases the council shall have authority to enforce beyond the limits, and over such lands, buildings, and property, in the same manner, and to the same extent, as if they were situated within the city, all such ordinances and police regulations for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, work-houses, or hospitals.

SEC. 3. The council shall have authority to lay out, establish, and

enlarge, or vacate and discontinue public grounds and parks within Parks.
the city, and to improve, light, and ornament the same, and to
regulate the care thereof, and to protect the same, and appurte-
nance [appurtenances] thereof, from obstructions, encroachments,
[encroachment] and injury, and from all nuisances.

CHAPTER XXI.

SEWERS, DRAINS, AND WATER-COURSES.

SECTION 1. The council may establish, construct, and main- Establishment, construction, maintenance, etc.
tain sewers and drains, whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken thereof in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds.

SEC. 2. If the council shall deem it expedient, they may establish a board of sewer commissioners for the city, consisting of not less than three nor more than five persons, to have the management of the sewers and the charge of their construction; and may by ordinance prescribe their powers, compensation, term [terms] of office and duties.

SEC. 3. Whenever it may become necessary, in the opinion of the council, to provide sewerage and drainage for the city, or any part thereof, it shall be their duty to devise, or cause a plan of drainage to be devised, for the whole city, or for such part thereof as they shall determine.

SEC. 4. Such plan shall, in the discretion of the council, be formed with a view of the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections, the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan, when adopted, shall be filed in the office of the city clerk.

SEC. 5. Main sewer districts may be subdivided into special sewer districts, in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer, and such lands as in the opinion of the council will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch sewers, and such lands as in the opinion of the council will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

SEC. 6. The council may, however, provide for main or trunk Main or trunk sewers.
sewers without reference to sewer districts, diagrams or plats of which shall be recorded in the office of the city clerk, in the book of sewer records.

SEC. 7. The cost and expense of establishing and making any Payment for main or trunk sewers, constructed without reference to sewer districts, shall be paid out of the general sewer fund. Such parts [part]

as the council shall determine, being not less than one-sixth of the cost and expense of any main district sewer, or of the cost of any lateral branch, or local sewer constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such cost and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits as aforesaid shall be made without reference to any improvements or buildings upon the lands.

Plat of sewer district, and estimate of cost.

SEC. 8. Before proceeding to the construction of any district sewer, the council shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lands, lots, and subdivisions thereof, in the district, and the proposed route and location of the sewer, and the depth, grade, and dimensions thereof, and shall procure an estimate of the cost thereof. And they shall give notice, by publication for at least two weeks, in one of the newspapers of the city, of the intention to construct such sewer, and where said diagrams [diagram] and plat may be found for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested, with respect to such sewer.

Notice of intention to construct.

Determination to construct by resolution of council.

Apportionment of expense.

Record of plat.

Special assessments.

Formation of sewer districts on petition.

Ordering construction of private drains.

SEC. 9. When the council shall determine to construct any such district sewer, they shall so declare by resolution, designating the district and describing, by reference to the plat and diagram thereof mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general sewer fund, and what part shall be defrayed by special assessment, according to benefits; and they shall cause such plat and diagram as adopted to be recorded in the office of the city, and in the book of sewer records.

SEC. 10. Special assessments for the construction of sewers shall be made by the board of assessors in the manner provided in this act for making special assessments.

SEC. 11. When the owners of a majority of the lands, liable to taxation in any sewer district, or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location; and if the lands including the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

SEC. 12. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises, and to keep such private drains in repair, and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirements, the

council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

SEC. 13. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the council shall prescribe.

SEC. 14. The council may charge and collect annually, from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per day [year], as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.

SEC. 15. Such part of the expenses of providing ditches, and improving water-courses as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

SEC. 16. The expenses of repairing public sewers, ditches, and water-courses may be paid from the general sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

SEC. 17. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city.

CHAPTER XXII.

STREET [STREETS] AND PUBLIC GROUNDS.

SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks, and public grounds within the city, and shall cause the same to be kept in repair, and free from nuisance.

SEC. 2. But the city shall not be responsible for the care, improvements, or repairs of any street or alley laid out or dedicated to public use by the proprietors of any lands, which had not been actually accepted, worked, and used by the public as a street or alley before the incorporation of the city under this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after such incorporation, unless the dedication shall be accepted and confirmed by the council by an ordinance specially passed for that purpose.

SEC. 3. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate, or abolish any highway, street, or alley in the city, whenever they shall deem the same a public improvement; and if, in so doing, it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use.

- Expense of improvement.** The expense of such improvement, except the amounts paid for private property taken for public streets, may be paid by special assessments upon the property adjacent to, or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments; or, in the discretion of the council, a portion of such costs and expenses may be paid by special assessments, as aforesaid, and the balance from the general street fund.
- Vacating.** SEC. 4. When the council shall deem it advisable to vacate, discontinue, or abolish any street, alley, or public ground, or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time, not less than four weeks thereafter, when they shall meet and hear objections thereto; notice of such meeting, with a copy of said resolution, shall be published for not less than four weeks before the time appointed for such meeting, in one of the newspapers of the city. Objections to such proposed action of the council may be filed with the city clerk, in writing, and if any such shall be filed, the street, alley, or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.
- Surveys to be made and recorded.** SEC. 5. The council may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the city clerk, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys, and public grounds opened, laid out, altered, extended, or accepted and confirmed by the council, to be recorded in like manner; and such record shall be *prima facie* evidence of the existence of [such] streets, alleys, or public grounds as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley, or public ground, shall also be recorded in said book of street records, and the records shall be *prima facie* evidence of all the matters therein set forth.
- Establishing of grades.** SEC. 6. The council shall have authority to determine and establish the grades of all streets, avenues, alleys, and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon such streets, alleys, or grounds to be made and constructed in conformity with such grade, and the council may change or alter the grade of any street, alley, or public ground, or any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the city clerk.
- Expense of change of grade.** SEC. 7. Whenever any street, alley, or public highway shall have been graded, or pavement shall have been constructed in conformity to grades established by authority of the city, and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley, or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley, or public highway, unless such

change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.

SEC. 8. If any damage shall result to any owner by a change of the established grade of any street, alley, sidewalk, wharf, or landing, the council may, in their discretion, levy and collect the amount thereof by special assessment upon the lots benefited thereby, and therewith pay the same; but the city shall incur no liability by reason of anything in this section contained.

PAVING AND IMPROVEMENT.

SEC. 9. The council shall have power to grade, pave, plank, gravel, curb, and otherwise improve and repair the highways, streets, avenues, lanes, and alleys of the city; and for that purpose and for defraying the expenses thereof, may divide the city into street districts. The term paving shall be deemed to include the construction of cross-walks, gutters, and curbing.

SEC. 10. Such part of the expenses of improving any street, lane, or alley, by grading, paving, planking, graveling, curbing, or otherwise, and of repairing the same as the council shall determine, may be paid from the general street fund, or from the street district fund, of the proper street district, or in part from each, or the whole, or such part of the expense of such improvement as the council shall determine, may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the street or alley so improved, or proposed so to be; or constituted of lands fronting upon such improvement, and such other lands as, in the opinion of the council, may be benefited by the improvement.

SEC. 11. When expenses for any such improvement or repairs shall be assessed in a special assessment district, and there shall be lands belonging to the city, school buildings, or other public buildings, or public grounds not taxable, fronting upon such improvement, such part of the expense of such improvement, as in the opinion the council, or board of assessors making a special assessment, would be justly apportionable to such public grounds, buildings, and city property, and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general street fund, or from the proper street district fund, or partly from each, as the council shall determine to be just, and the balance of such expenses shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement; or if the special assessment district shall include other lands not fronting upon the improvement, then upon all the lands included in such special assessment district, in proportion to the estimated benefits resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage, would be unjust and disproportionate to the assessments upon other lots, the council, or board

of assessors making the assessment, may assess such lot for such number of feet frontage as in their opinion will be just.

STREET REGULATIONS.

**Obstructions,
encroachments,
etc.**

SEC. 12. The council shall have power to prohibit and prevent obstructions and incumbrances in and encroachments upon the public highways, streets, and alleys of the city, and to remove the same; and to punish those who shall obstruct, encumber, encroach, or maintain any encroachments upon or in any such highway, street, or alley; and to require all such persons to remove every such obstruction, incumbrance, and encroachment.

Trees.

SEC. 13. The council may provide for and regulate the planting of shade and ornamental trees in the public ways, streets, and avenues of the city and for the protection thereof; and may light the streets and public places and regulate the setting of lamps and lamp-posts therein, and protect the same.

**Digging in
streets for laying
pipes, etc.**

SEC. 14. The council may regulate the making of all openings in and removal of the soil of public streets, for the laying or repair of sewers, drains, tunnels, gas-pipes, water-pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of the soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe.

**Regulation and
use of.**

SEC. 15. The council may regulate the use of public highways, streets, avenues, and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay, and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use, or placing of signs, advertisements, and banners, awning posts, and telegraph poles in or over the streets; to prohibit immoderate riding and driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings, and gatherings of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese, and other domestic animals or fowls in the streets, or elsewhere in the city, and to impose [impose] penalties upon the owners or keepers thereof permitting the same, and to require and authorize the destruction of dogs found at large contrary to the ordinances of the city; to cleanse

**Stands for
vehicles.**

**Wood and hay
market.**

**Signs, etc.
Telegraph poles.**

Driving, etc.

Crowds.

**Running at
large of ani-
mals, etc.**

Dogs.

Cleaning streets.

**General powers
of council over.**

and purify the streets, and to prohibit, prevent, remove, and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon highway commissioners in townships.

SEC. 16. The council shall have power to levy and cause to be ~~poll tax~~^{Money to be used for highway purposes.} collected in each year, a poll or capitation tax upon every male inhabitant of the city, between the ages of twenty-one and fifty years, excepting active members of the fire department, and such other persons as are exempted from the payment of such tax by the general law; and the council shall, by ordinance, prescribe the time and manner of assessing and collecting said tax, and the penalty for neglect or refusal to comply with the provision of such ordinance. All taxes, moneys collected, and fines received by the city, pursuant to this section, shall be used exclusively for working and improving the highways, streets, lanes, and alleys of the city.

CHAPTER XXIII.

SIDEWALKS.

SECTION 1. The city council shall have control of all sidewalks in the public streets and alleys of the city, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to construct and maintain sidewalks and cross-walks in the public streets and alleys, and charge the expense thereof upon the lots and premises adjacent to and abutting upon such walks.

SEC. 2. The council shall also have authority to require the owners and occupants of lots and premises to construct and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials, and manner of construction, and within such time as the council shall by ordinance or resolution prescribe.

SEC. 3. The council shall also have power to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth, and other nuisances.

SEC. 4. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk, as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or to remove the snow, ice, and filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances, or other nuisances, or shall fail to perform any other duty required by the council, in respect to such sidewalk, within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the amount of all expenses incurred by the council thereby shall be levied as a special assessment upon the lot or premises adjacent to or abutting upon such sidewalk.

SEC. 5. The council shall have power to regulate and prohibit the placing of signs, awnings, awning-posts, and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, struct-

ures, and excavations under the same, and to prohibit and prevent obstructions, incumbrances, or other nuisances upon the walk.

**Owners liable
for damages.**

SEC. 6. If any owner, occupant, or person in charge of any lot or premises shall neglect to repair any sidewalk, in front of or adjacent to such premises, or to remove any snow or ice therefrom, or to keep the same free from obstructions and incumbrances, in accordance with the requirements of the ordinances and regulations of the council, he shall be liable to the city for the amount of all damages which shall be recovered against the city for any accident or injury occurring by reason of such neglect.

CHAPTER XXIV.

COST OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

**To be paid from
general fund.**

SECTION 1. The cost and expense of the following improvements, including the necessary lands therefor, viz: For city hall and other public buildings and offices for the use of the city officers, engine houses and structures for the fire department, for water-works, market houses and spaces, cemeteries and parks, watch houses, city prisons and workhouses, lands appropriated for streets and rights-of-way, and public wharves, and landings upon navigable waters, levees, and embankments, shall be paid from the proper general funds of the city. When by the provisions of this act the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to or otherwise benefited by the improvement, such assessment may be made as in this chapter provided.

**Assessors, duties
and compensation.**

SEC. 2. There shall be a board of assessors in this city, consisting of the city surveyor and two other members, who shall be free-holders and electors in the city, to be appointed by the council, their compensation shall be prescribed by the council. Special assessments authorized by this act shall be made by such board. If a member of the board shall be interested in any special assessment directed by the council, they shall appoint some other person to act in his stead in making the assessment, who, for the purpose of that assessment shall be a member of the board.

**Apportionment
of expenses.**

SEC. 3. When the council shall determine to make any public improvement or repairs, and defray the whole or any part of the costs [cost] and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement and what part or proportion of the expenses thereof shall be paid by special assessment, and what part, if any, has been appropriated from the general fund [funds] of the city, or from street district funds, and shall designate the district or lands and premises upon which the special assessment shall be levied.

**Estimates, plans,
etc., to be depos-
ited with city
clerk.**

SEC. 4. Before ordering any public improvement or repairs, any part of the expenses of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the

city clerk for public examination; and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed, by publication for two weeks at least in one of the newspapers of the city, and of the time when the council will meet and consider any objection thereto. Unless a majority of the persons to be assessed shall petition therefor, no such improvement or work shall be ordered, except by the concurrence of two-thirds of the aldermen elect.

SEC. 5. The cost and expenses of any improvement which may be defrayed by special assessment shall include the costs of survey, plans, assessments, and costs of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed twenty (20) per cent of the value of such lot or land, as valued and assessed for State and county taxation in the last preceding ward tax roll; any cost exceeding that per cent, which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city.

SEC. 6. Special assessment to defray the estimated cost of any improvement shall be levied before the making of the improvement.

SEC. 7. When any special assessment is to be made *pro rata* upon the lots and premises in any special district, according to frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors, and shall state therein the amount to be assessed, and whether according to frontage or benefits; and describe or designate the lots and premises, or locality constituting the district to be assessed.

SEC. 8. Upon receiving such order and direction the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises, and parcels of land to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act applicable to the assessment; and when such assessment is completed, they shall report the same to the council.

SEC. 9. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed; unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.

SEC. 10. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land, or premises which by the provisions of this act the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made

pro rata upon several lots or parcels of land in an assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred and the name of the owner or person chargeable therewith shall be reported to the council in such manner as the council shall prescribe.

Expense charged against lots.

SEC. 11. The council shall determine what amount, or part of every such expense, shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively, to be reported by the city clerk to the board of assessors for assessment.

Special assessment roll.

SEC. 12. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy as a special assessment therein upon each lot or parcel of land so reported to them, and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid, to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the council.

Filed with city clerk.

SEC. 13. When any special assessment shall be reported by the board of assessors to the council, as in this chapter directed, the same shall be filed in the office of the city clerk and numbered. Before adopting the assessment the council shall cause notice to be published for two weeks at least, in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the council and board of assessors will meet to review the assessment. Any person objecting to the assessment may file his objections thereto in writing with the city clerk.

Objections.

Review and correction of assessment.

SEC. 14. At the time appointed for that purpose as aforesaid, the council and board of assessors shall meet, and there, or at some adjourned meeting, review the assessment, and the council shall correct the same if necessary, and confirm it as reported or as corrected, or they may refer the assessment back to the board for revision, or annul it and direct a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed the city clerk shall indorse a certificate thereof upon the roll, showing the date of confirmation.

Confirmation.

SEC. 15. When any special assessment shall be confirmed by the council it shall be final and conclusive, but no such assessment shall be confirmed, except by the concurrence of two-thirds of the aldermen elect.

Assessments a lien.

SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the person or persons to whom assessed, until paid.

Installments.

SEC. 17. Upon the confirmation of any special assessment, the

amount thereof may be divided into not more than five installments, one of which shall be collected each year at such time as the council shall determine, with annual interest at a rate not exceeding eight per cent.

SEC. 18. All special assessments, except such installments thereof ^{when due.} as the council shall make payable at a future time, as provided in the preceding section, shall be due and payable upon confirmation.

SEC. 19. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment, ^{Special roll for every installment.} as the same shall become due, with the accrued interest upon all unpaid installments, included and assessed therein. Such special rolls may be made and confirmed without notice to the person or persons assessed.

SEC. 20. Should any lots or land be divided after a special assessment thereon has been confirmed, and divided into installments, ^{In case of division of lots.} and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts and lots of land so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or land shall be according to such division.

SEC. 21. Should any special assessment prove insufficient to pay ^{Additional assessment, when made.} for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make an additional *pro rata* assessment to supply the deficiency, and in case a larger amount shall ^{Excess, if any.} have been collected than was necessary, the excess shall be refunded ratsbly to those by whom it was paid.

SEC. 22. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of any irregularity, or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such re-assessment, and for the collection thereof, shall be conducted in the same manner as provided for the original assessment; and whenever any sum, or any part thereof, levied upon any premises in the assessment so set aside, has been paid and not refunded, the payment so made shall be applied upon the re-assessment on such premises, and the re-assessment shall, to that extent, be deemed satisfied.

SEC. 23. No judgment or decree, nor any act of the council, vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might have been lawfully assessed thereon.

SEC. 24. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council shall direct the assessees ^{Collection of special assessments.}

ment so made in the special assessment roll to be collected directly therefrom; and thereupon the city clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person, and return said roll and warrant, together with his ducings thereon, in sixty days from the date of such warrant.

**Distress and
sale.**

**Seizure and
sale of goods.**

**Disposition of
proceeds.**

**Treasurer to
return roll and
warrant to city
clerk.**

**Renewal of
warrant.**

**Collection by
suit.**

SEC. 25. Upon receiving said assessment roll and warrant the city treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the treasurer shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notice in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment and a percentage of five per centum upon the amount of the assessments for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

SEC. 26. The city treasurer shall also make return of said assessment roll and warrant to the city clerk according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

SEC. 27. Said warrant may be renewed from time to time by the city clerk, if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city treasurer shall perform the same duties, and make the like returns as above provided. In case any assessment shall be finally returned by the city treasurer unpaid as aforesaid, the same may be certified to the supervisor of the proper ward, and then shall be reassessed, with interest included, at the rate of ten (10) per cent, from the date of the confirmation of the assessment until the first day of February then next, in the next ward tax roll, and be collected and paid in all respects as herein before provided.

SEC. 28. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment thereof.

SEC. 29. If in any such action it shall appear that by reason of any irregularities or informality the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

CHAPTER XXV.

APPROPRIATION OF PRIVATE PROPERTY.

SECTION 1. Private property may be appropriated for public use in the city: For the purpose of opening, widening, altering, and extending streets, alleys, and avenues; for the construction of bridges; for buildings and structures for the fire department; for public grounds, parks, market places, and spaces; for public wharves, docks, slips, basins, and landings on navigable waters, and for the improvement of water courses for sewers, drains, and ditches; for water-works, and for necessary public buildings, hospitals, pest-houses, and public cemeteries. But such property shall not be taken thereof without the consent of the owner, unless the necessity for using the same, and the just compensation to be made therefor, shall be determined by a jury of twelve freeholders, residing in the city; nor shall any improvement requiring the taking of private property, be made, except with the concurrence of two-thirds of all the aldermen elected to office. The council may, however, acquire such property by negotiation and purchase.

SEC. 2. When the council shall deem it necessary to make any public improvement, requiring the taking or using of private property not acquired by purchase, they shall so declare by resolution, describing the proposed improvement, and each parcel of land designed to be taken by metes and bounds, giving the names of the owners or persons interested therein, so far as known; and shall, in the same resolution, designate a justice of the peace of the city to whom an application will be made, at a time therein to be stated, for the impaneling of a jury to ascertain the necessity of using said land, and the just compensation to be made therefor.

SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice of the peace, and notice of the time and place of making said application, including a copy of said resolution, shall be given by publishing the same for three weeks in one of the newspapers of the city, the first publication of which shall be at least thirty days before the time fixed for the application, and a copy of said notice and resolutions shall be served personally by the city marshal, or the sheriff of the county, at least two weeks before the time for said application, upon each owner and person interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found within the city, or elsewhere in the county; and if any such guardian, owner, or

Judgment notwithstanding irregularities.

Purposes for which private property may be taken.

Manner of acquiring.

Proceedings by law.

Impaneling jury.

Notice of application for jury.

Notice to be served.

Return of officer. person interested in the premises, shall not be found within the city or county, a copy of said notice and resolution shall be posted upon the premises, to be taken the same length of time before making the application and return by the sheriff, or city marshal, of the service or posting of copies of said notice and resolution, which return shall be conclusive as to the matters therein stated, and an affidavit of the publication of said notice and resolution shall be filed with the said justice, before, or at the time of making said application, and after the publication and service of posting of said notice as aforesaid, the owners and all persons interested in any of the lands sought to be taken for said improvement, shall take notice of, and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided.

Impaneling a jury.

SEC. 4. At the time appointed therefor in said notice and resolution, or at such other time as the proceedings shall be adjourned to by said justice, he shall, upon the application of the city attorney, cause the city marshal, or sheriff of the county, to make a list of the names of twenty-four disinterested freeholders, residing in said city, competent to serve as jurors. From said list the city attorney shall strike off six names, and the owner or owners and persons interested in said lands shall strike off six names, or, upon their failing to do so, the justice shall strike off six [such] names for him or them; and thereupon the said justice shall issue a *venire*, directed to the city marshal, or sheriff of the county, to summon the twelve persons whose names remain upon said list, to appear before said justice, at a time and place in said *venire* to be named, not less than three nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution; and shall then adjourn the further proceedings in the matter to the return day of said *venire*. [Said *venire* shall be served by the city marshal, or sheriff, as in other cases of *venire*.] Said jurors shall be liable for non-attendance the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in those courts.

Liability for non-attendance.

Guardians ad litem for infants, etc.

SEC. 5. At the time of making the application to the justice for the empaneling of the jury, and at all subsequent proceedings, an [any] infant or incompetent person may be represented by his or her guardian appointed under the laws of this State; but if there should be no such guardian, or if no such guardian shall appear to represent such infant, or incompetent person, the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem*, to protect the interest of the person for whom he is so appointed.

Completing panel.

SEC. 6. If upon the return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the justice shall require the marshal or sheriff to summon immediately a sufficient number of other competent freeholders of the city, until a panel of twelve qualified jurors shall be obtained. Each party, and every person having any interest in any of the lands, shall have the right to

Challenge.

challenge any juror for cause, and the justice shall determine as to the competency of the juror. Such juror shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and if taken, to determine and award to each person entitled thereto the just compensation to be allowed for his or her interest in the land so taken.

SEC. 7. When the jury shall have been sworn, the city attorney shall deliver to them a copy of said notice and resolution of the council and a map or plat of the proposed improvement, showing the location and boundaries of each parcel of land sought to be taken, and its position in relation to adjoining lands; and any person claiming an interest in any of the lands sought to be taken, although not named in said resolution as an owner or party interested, may then file with the justice a statement of his interest in, and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

SEC. 8. The jury shall then, or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired, and testimony may be produced before them under the direction of the court, as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing the testimony the justice shall instruct the jury as to the provision of this chapter relating to their duties.

SEC. 9. The jury shall consider upon each parcel of land described in the resolution of the council separately. If they shall find it necessary to take the same for the purpose of said improvement, they shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement; and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of land, as owners, mortgagees, lessees, or otherwise, they shall apportion to each such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate.

SEC. 10. The jury shall make a report of their determination and awards in writing. They shall describe therein, by metes and bounds, each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the whole amount of damage occasioned by taking the same, the amount deducted therefrom, if any, for special benefits resulting from the improvement to the remainder of the lot or premises from which the part appropriated is taken and the net amount awarded as damages and compensation therefor; the name of owner and of any persons having separate claims thereon by mortgage, lease, or otherwise, to whom said damages are awarded, and the amount awarded to each at the date and the description of any

mortgage, lease, or lien, by virtue of which such claim is made. When conflicting claims are made to any damage awarded, the jury, without deciding between the claimants, shall report the fact, their names, and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the justice within ten days after the empaneling of the jury.

**City attorney
to assist.**

SEC. 11. The city attorney shall give such assistance to the jury in making up their report as they may require. The justice shall enter said report, and all the proceedings had in the cause before him, in his docket.

**Report.
Disagreement
of jury.**

SEC. 12. A disagreement of the jury as to one or more distinct parcels of land shall not affect the awards and reports in which they have agreed; and, upon any such disagreement, the justice may, upon the motion of the city attorney, empanel a new jury in the same manner as provided for drawing the original jury, and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree; and a new jury may, in like manner, be had as often as necessary. If any jury [juror] during the course of the proceedings shall be unable to discharge his duties, the justice may appoint another in his place, who shall have the like qualifications, and be sworn and exercise the same duties as the other jurors of the panel.

**Copy of report,
etc., for use of
council.**

SEC. 13. Upon filing the report and award made by any jury with said justice, a copy thereof may be taken by the city attorney for the use of the council; and at any time thereafter, and within forty days after the empaneling of the jury making the report, the justice, upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and awards shall be at an end, and a new jury and new proceedings may be had as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time prescribed in the next section.

**Appeal to cir-
cuit court.**

SEC. 14. Any party aggrieved by the judgment of confirmation mentioned in the preceding section may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county by filing with the justice a claim of appeal in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded and at the same time filing with the justice a bond to the city in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal.

SEC. 15. At the time of filing said claim of appeal, the appellant shall present to the justice a statement, in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof, and of the claim of appeal, upon the city attorney, who may propose amendments to said bill. Within ten days after said bill is presented said justice shall, if necessary, cause the same to be corrected according to the facts of the case, and sign the same; and within ten days thereafter said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with the clerk of said circuit court.

SEC. 16. Upon filing the return of the justice, as mentioned in the preceding section, the circuit court shall have jurisdiction of the case; and upon the hearing thereof shall first consider the errors alleged in said claim of appeal, and if the proceedings are found invalid as to the party appealing on account thereof, the court shall remand the case, so far as effects the appellant, to said justice, and a new jury may be called and the like proceedings had, as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term, upon the question as to the amount of damages to be awarded; but the finding of the jury before the justice, as to the necessity of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.

SEC. 17. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and right of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him before the justice, he shall pay costs to the city, otherwise the court shall award such costs to him as shall be just.

SEC. 18. Certified copies of any judgment of confirmation of the circuit court or of the justice of the peace, after the same has become final, and of the report of the jury thereby confirmed, and records of such copies made in the book of street records in the office of the city clerk, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired and to confirm the same.

SEC. 19. Within six months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the justice shall become final, the council may pay or tender to the

Bill of exceptions.

Correction and
filing of transcript.

When case
remanded to
justice.

When may pro-
ceed to trial.

Judgment.

Costs.

What to be
evidence of reg-
ularity of pro-
ceedings.

Damages, pay-
ment of.

**Where deposited
in certain cases.**

respective persons the several amounts of damage and compensation awarded to them, as finally confirmed; and in case any such person shall refuse the same, be unknown or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case, with a statement of the facts relating thereto, in the treasury of the city, to the credit of the person or persons entitled thereto, and the same shall be paid on demand to any person entitled to receive. No delay in making any award of damages, or in taking possession of any property, shall be occasioned by any doubt as to the ownership of the property, or as to the interest of the respective parties making claims thereto.

**When right to
property vests
in city.**

SEC. 20. Upon the payment, tender, or deposit, mentioned in the preceding section, the fee of the lands [land] sought to be taken, with the appurtenances and the right to occupy the property sought to be used, shall vest in the city, and the council may convert and use the same. A certificate of the treasurer of such payment, tender, or deposit, or a record of such certificate in the book of street records, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the city in the lands and property taken.

Effect on leases.

SEC. 21. In all cases where any real estate, subject to a lease or agreement, shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation in the circuit court, or upon the confirmation by the justice when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

CHAPTER XXVI.

FINANCE AND TAXATION.

Fiscal year.

SECTION 1. The fiscal year of the city organized under this act shall commence on the third Monday of March of [in] each year, unless otherwise provided by ordinance.

**Raising money
by taxation.**

SEC. 2. The council of the city shall have authority, within the limitations herein prescribed, to raise annually by taxation, within the corporation, such sum of money as may be necessary to defray the expense and pay the liabilities of the city, and to carry into effect the powers in this act granted.

**Division into
funds.**

SEC. 3. The revenues raised by general tax upon all the property in the city, or by loan to be repaid by such tax, shall be divided into the following general funds:

Contingent.

First, Contingent fund, to defray the contingent and other expenses of the city, for the payment of which from some other fund no provision is made;

Fire department.

Second, Fire department fund, to defray the expense of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;

Third, General street fund, to defray the expenses of opening, ^{General street}widening, extending, altering, and vacating streets, alleys, and public grounds, and for grading, paving, curbing, graveling, and otherwise improving, repairing, and cleaning the streets, alleys, and public grounds of the city, and for the construction and repair of side-walks and cross-walks, and for the care thereof;

Fourth, General sewer fund, to defray the expenses of sewers, ^{General sewer}drains, ditches, and drainage, and the improvement of water courses;

Fifth, Bridge fund, for the construction and maintenance of ^{Bridge}bridges;

Sixth, Water fund, for construction reservoirs and cisterns, and ^{Water}providing other supplies of water;

Seventh, Public building fund, for providing for public buildings, ^{Public building}and for the purchase of land therefor, and for the erection, preservation, and repair of any such public buildings, city hall, offices, prisons, watch-houses, and hospitals, as the council is authorized to erect and maintain, and not herein otherwise provided for;

Eighth, Police fund, for the maintenance of the police of the ^{Police}city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city;

Ninth, Cemetery fund ; ^{Cemetery}

Tenth, Interest and sinking fund, for the payment of the public ^{Interest and}debt of the city and the interest thereon; ^{sinking}

Eleventh, Such other general funds as the council may, from ^{Other general}time to time, constitute.

SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds:

First, A street district fund for each street district, for defraying ^{Street district}the expenses of grading, improving, repairing, and working upon the streets therein, and for the payment of all street expenses which the council shall charge upon street district;

Second, A district sewer fund for each main sewer district, for ^{District sewer}the payment of the costs and expenses of sewers and drainage in and chargeable to the main sewer district, when the city shall be divided into such districts;

Third, Special assessment funds, any money raised by ^{Special assess-}special assessment levied in any special assessment district or special sewer ^{ment}district, to defray the expenses of any work, paving, improvement, or repairs, or drainage therein, shall constitute a special fund for the purpose for which it was raised.

SEC. 5. The aggregate amount which the council may raise by ^{Amount not to exceed one per cent.}general tax upon the taxable real and personal property in the city, for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section three of this chapter are constituted, exclusive of taxes for school and school house purposes, shall not, except as herein otherwise provided, exceed, in any one year, one per cent.

SEC. 6. The council may also raise by tax in each street district ^{Amount for repairing streets.}for defraying the expenses of working upon, improving, and repair-

ing, and cleaning the streets of the district, and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any one year one-fourth of one per cent on the assessed value of the taxable real and personal property in the district.

**Amount of
special for local
improvements.**

SEC. 7. In addition to the above amounts, the council may raise by special assessment in sewer districts and special assessment districts, for the purpose of grading, and paving, curbing, graveling, and otherwise improving the streets, and for constructing sewers and drains, and making other local improvements chargeable upon the lands and property in the district, according to frontage or benefits, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary, but not exceeding in any one year five per cent of the assessed value of the property in the sewer district, or special assessment district, as the case may be, as shown by the last preceding assessment roll [rolls] of the city.

**Amount for pub-
lic sewer.**

SEC. 8. A tax or assessment of not more than two dollars per year may be levied upon each lot or premises drained by a private sewer or drain leading into any public drain or sewer.

**Interest and
sinking fund.**

SEC. 9. The council may also raise such further sum annually, not exceeding three mills on the dollar of the assessed valuation of the property in the city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city, and the interest thereon.

**Estimate of
expenditures.**

SEC. 10. It shall be the duty of the council to cause estimates to be made in the month of September, in each year, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built, and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments, for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year; and also to estimate the amounts that will be required to be expended from street district funds during said next fiscal year, in working upon, improving, and repairing the streets in the several street districts of the city.

**Determination
of amount to
meet deficien-
cies.**

SEC. 11. The council shall also, in the same month, determine the amount required to be raised in the next general tax levy, to meet any deficiencies for the current year; also, the amount or part of any assessment which they require to be levied or reassessed in the next general tax-rolls of the city upon lands in any main, sewer, or special assessment district, or upon any parcel of land, or against any particular person as a special assessment.

**Annual appro-
priation bill.**

SEC. 12. The council shall also, in the said month of September, pass an ordinance to be termed the annual appropriation bill, in which they shall make provision for, and appropriate the several amounts

required to defray the expenditures and liabilities of the corporation for the next fiscal year, payable from the several general funds, and from the street district fund, as estimated and determined upon, as provided in section ten of this chapter, and order the same, or so much of said amounts as may be necessary, to be raised by tax with the general tax levy, or by loan, or both, and to be paid into the several general funds, and street district funds of the city, but the whole amount so ordered to be raised by tax, or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five, six, and nine of this chapter to raise by general tax during the year. The council shall specify in such ordinance the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds, and street district funds. The council shall also designate in the appropriation bill, the sums, if any, required to be levied to meet any deficiency for the current year, and the amount, or any part, of any special assessment or other sum which they require to be levied or reassessed with the next general tax, as mentioned in section eleven of this chapter, and the disposition to be made of such moneys; and shall also designate in said bill, any local improvements which they may deem advisable to make, during the next fiscal year, to be paid for in whole or in part by special assessments, and the estimated cost thereof.

SEC. 13. All sums ordered in the annual appropriation bill in any year, to be raised for the several general funds, shall be certified to the clerk of the board of supervisors of the county, on or before the first Monday of October, and all such sums shall be levied and collected with the State and county tax [taxes] next thereafter to be levied in the city.

SEC. 14. After the passage of the annual appropriation bill, no further sums shall be used, raised, or appropriated, nor shall any further liabilities [liability] be incurred for any purpose to be paid from any general fund or street district fund, during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority vote of the electors voting upon the proposition, at the next annual city election. But this section shall not prohibit the council from making any necessary repairs or expenditures, at a cost not exceeding five thousand dollars, the necessity for which is caused by casualty or accident happening after making the annual appropriation for the year, and from loaning the money therefor.

SEC. 15. No improvement, work, repairs, or expense to be paid for out of any general fund, or street district fund, excepting as herein otherwise provided, shall be ordered, commenced, or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor, in the last preceding annual appropriation bill; nor shall any expenditure be made, or liability be incurred in any such year, for any such work, improvement, repairs, or for any purpose exceeding the appropriation so made therefor; nor shall any expenditure be made, or money be paid out

of any general or street district fund, for any purpose, unless appropriated for that purpose in said bill.

Cost of improvements not specified in appropriation bill.

SEC. 16. No work or improvement to be paid for by special assessment, costing more than three thousand dollars, shall be ordered, commenced, or contracted for; nor shall any assessment be levied therefor, in any year, unless the intention to make such improvement or expenditure, and to defray the cost thereof by special assessment, was set forth in the last preceding annual appropriation bill.

Assessment levied before work com-menced.

SEC. 17. No public work, improvement, or expenditure shall be commenced, nor any contract therefor be let or made, except as herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expense thereof, and no such work or improvement shall be paid for, or contracted to be paid for, except from the proceeds of the tax or assessment thus levied.

Loan for general and street fund.

SEC. 18. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner, in any year, for the purpose of the general and street district fund, the council may, in its discretion, raise a part thereof by tax, and a part thereof by loan:

Proviso.

Provided, That the aggregate amount of taxes and loans so raised and made shall not exceed the amount for which a tax might be levied for the same year.

Loan for special assessments.

SEC. 19. The council shall also have authority to raise money by loan in anticipation of the receipts from special assessments, for the purpose of defraying the costs of the improvement for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the work.

Raising money by vote of electors.

SEC. 20. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvements, or purposes to be paid for from the general funds of the city, than can be raised by the council, under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the electors, being freeholders in said city voting upon the question at an annual city election. The amount that may be raised by tax in any year, under the provisions of this section, shall not exceed one per cent of the assessed valuation of the property in the city, as shown by the last preceding tax-rolls made therein. The aggregate amount of existing loans under the provisions of this section shall at no time exceed the sum of twenty-five thousand dollars.

Submitting the question to vote.

SEC. 21. The proposition to raise such additional amount shall be submitted to a vote of the electors, being free-holders in said city, by an ordinance or resolution of the council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such ordinance or resolution shall be passed and published in one of the newspapers of the city, and copies thereof posted in five of the most public places in each ward of the city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

Notice.

SEC. 22. All moneys and taxes raised, loaned, or appropriated for the purposes of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other; nor shall the moneys belonging to one fund be transferred to another fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund, at the close of any fiscal year. In such case the surplus may be transferred to the sinking fund, should there be a deficiency in that fund, otherwise the council may apply such surplus as they shall deem proper. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

SEC. 23. No money shall be drawn from the treasurer except in pursuance of the authority and appropriation of the council, and upon the warrant of the clerk, countersigned by the mayor. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund.

SEC. 24. No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding, and previously incurred, and payable from such fund, are sufficient to exhaust it. Any warrant, draft, or contract payable by the provisions of this act from any particular fund, excepting bonds given for loans herein authorized and issued or made after such fund has been exhausted by previous payments or by previous liabilities payable from such fund, shall be void as against the city.

SEC. 25. No loans shall be made by the council, or by its authority, in any year, exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds of the city may be issued, bearing a legal rate of interest. No such bond shall be made payable at a longer period than five years from the date of its issue. A record of such bonds showing the dates, numbers, and amounts issued, and when due, shall be kept by the city clerk. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase the indebtedness of the city. Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable.

SEC. 26. Immediately upon the close of the fiscal year the council shall audit and settle the accounts of the city treasurer, and other officers of the city, and the accounts also, as far as practicable, of all persons having claims against the city, or accounts with it not previously audited; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year, for all purposes, and the amount raised for each fund, the amount levied by special assessments, and the amount collected on each, and the amount of money borrowed, and upon what time and terms, and for what purpose; also the items and amounts received from all other sources during the year, and the object thereof, classifying the expenditures for each purpose

*How money
credited.*

Surplus.

*Contingent
fund.*

*How money
drawn from
treasury.*

*Warrant not to
be drawn after
fund exhausted.*

*Loans and
bonds.*

*Auditing
accounts, at end
of fiscal year.*

Statement.

separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest; the amount of salary or compensation paid or payable to each officer of the city for the year, and such other information as shall be necessary to a full understanding of all the financial concerns of the city.

Statement filed. SEC. 27. Said statement signed by the mayor and clerk, shall be filed in the office of the city clerk, and a copy thereof published in one of the newspapers of the city, at least five days previous to the next annual city election.

Appropriation of city funds prohibited. SEC. 28. If any officer of the corporation shall directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation or any board thereof, to his own use, or shall, directly or indirectly, and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property may have been appropriated, raised, or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted, tried and convicted thereof, and, on conviction, may be punished by fine, not exceeding one thousand dollars, or by imprisonment in the State prison for a period not exceeding three years, or both, in the discretion of the court.

Penalty.

CHAPTER XXVII.

ASSESSMENT AND COLLECTION OF TAXES.

Assessment of property.

SECTION 1. The supervisors of said city shall in each year make and complete an assessment of all the real and personal property within their respective wards liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner and within the same time as required by law for the assessment of property in the townships of the State, and in so doing they shall conform to the provisions of law governing the actions of supervisors of townships performing like services, and in all other respects within their respective wards they shall, unless otherwise in this act provided, conform to the provisions of law applicable to the actions and duties of supervisors in townships, in the assessment of property.

In case of false claim of exemption.

SEC. 2. If any person residing in the city a part of the time during the year shall, in the opinion of any supervisor, unjustly or falsely claim exemption from taxation therein, on the ground that he or she has a residence, and is taxed or liable to taxation elsewhere than in such city, the supervisor shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, show-

ing that person has paid a tax upon all of the same property for the same year to such other collector or receiver of taxes.

SEC. 3. All personal property found in any ward may be assessed therein, whether the owner thereof resides in such ward or elsewhere. If there should [shall] be any doubt as to the ward in which any person should be assessed for personal property belonging to such person, the board of review hereinafter mentioned may direct as to the ward in which the assessment shall be made, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for said property.

SEC. 4. For the purpose of assessing all property equally in the whole city, the supervisors of the several wards shall meet and confer together from time to time while making their assessment, and equalize their valuations in such manner as may be just.

SEC. 5. The supervisors of the several wards, together with the city attorney, shall constitute a board of review of assessments. At the time appointed by law for the review of assessments made by supervisors of townships, the said board of review shall meet at the office of the city clerk, and there proceed to review and correct the assessments made by the supervisors in the several wards and for that purpose said board shall have the same powers and perform the same duties in all respects as supervisors of townships in reviewing and correcting assessments made by them. Said board shall continue in session not less than three days for the purpose of completing such review. Notice of the time and place of the meeting of said board for the purpose aforesaid shall be given by the city clerk, by publication in one of the newspapers of the city at least one week before the time for the review.

SEC. 6. When the board shall have reviewed and corrected the assessment rolls of the several wards, they shall in addition to the certificate required to be made by the supervisor, add their own certificate to each roll, signed by at least a majority of them, showing that they have received the roll, and within thirty days thereafter each supervisor shall deliver his assessment roll to the city clerk, to be filed in his office for the use of the council. The board of review shall have authority to equalize, alter, amend, and correct any assessment or valuation, and to place upon the assessment roll of the proper ward any taxable property, real or personal, not already assessed, held, or owned by any person or persons, and to strike from said roll any property wrongfully thereon. The concurrence of a majority of the board shall be sufficient to decide any question in altering or correcting any assessment.

SEC. 7. On or before the first Monday in October in each year the city clerk shall certify to the county clerk of the county in which the city is located the aggregate amount of all sums which the council require to be raised for the year for all purposes, by general taxation upon all the taxable property of the whole city.

SEC. 8. Said county clerk as clerk of the board of supervisors of the county, shall apportion the amount to be raised, as mentioned in the preceding section, among the several wards of the city,

according to the valuation of the property appearing upon the assessment rolls of said several wards of the city for such year, as equalized by the board of supervisors and certify to the city clerk of said city for assessment therein, the amounts so apportioned to the several wards within five days after the board of supervisors of the county shall have completed the equalization of the valuation of the property in said wards, and in the townships of the county for the year.

Tax-roll.

SEC. 9. The city clerk, at the time of levying State and county taxes in the city for the year, shall levy in the same roll, upon all the taxable property in the city the amounts certified to him by the clerk of the board of supervisors, as provided in section eight of this chapter, to be raised for the city, and also for school and library purposes, placing the city taxes in one column, and the school, library, one-mill, and school-house taxes in another column: and he shall also levy in the same roll, upon the lands, property, and persons chargeable therewith, all special assessments and sums, whether for assessment or reassessment, in street districts, main or special sewer districts, or for other special assessments, placing all such taxes in a column of special assessments, and shall place the State and county taxes in other columns. The amount of the several taxes so levied upon each valuation shall be carried into another column.

**Certificate of
clerk, etc.**

SEC. 10. The city clerk, upon completing the rolls, shall certify to the city treasurer the amounts of taxes levied in the rolls for State and county purposes, and he shall charge the amount thereof to the city treasurer. The city treasurer shall give bond to the county treasurer in the same manner as township treasurers are required to do; and thereupon, and on or before the first Monday in December, the city clerk shall deliver the tax-rolls, with the taxes extended therein as aforesaid to the city treasurer, with his warrants for the collection of the taxes therein, annexed thereto.

Warrant.

SEC. 11. The warrants annexed to each roll shall state the several amounts levied therein to be paid into the city and county treasuries respectively, and shall command the city treasurer to collect from the several persons named in the said roll the several sums named in the last column thereof opposite their respective names, and the warrant shall authorize the treasurer, in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

Taxes a lien.

SEC. 12. All taxes levied in any ward tax-roll shall be and remain a lien upon the lands upon which they are levied, until paid.

**Collection of
taxes.**

SEC. 13. For the collection of all taxes the city treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall, for that purpose, have all the powers and authority conferred by law upon township treasurers for such purposes, and shall, when necessary, enforce the payment of the tax against any person by distress and sale of his goods and chattels, if any such can be found anywhere within the county.

New warrant.

SEC. 14. The county treasurer may issue new warrants to the city

treasurer for the collection of taxes, in the same manner and in the same cases, and with the same effect, as such new warrant may be issued to township treasurers. The city treasurer may, and it shall be his duty, to proceed by suit in the name of the city for the collection by suit of unpaid taxes, in the same cases, and under like circumstances in which township treasurers are authorized to proceed in that manner; and all the provisions of law are applicable to suits and the evidence therein, brought by township treasurers in the name of their township, for such purposes, shall apply to suits brought by the city treasurer as aforesaid.

SEC. 15. For the purpose of assessing and levying taxes in the city for State, county, school, and library purposes, each ward shall be considered the same as a township, and all provisions of law relative to the collection of taxes levied in townships, shall apply to the collection of taxes levied and assessed in such city, except as herein otherwise provided. For the purpose of collecting taxes and returning property for non-payment thereof, the treasurer shall perform the same duties and have the same powers as township treasurers, except as herein otherwise provided. For the collection of all taxes under this act the city treasurer shall be entitled to and shall receive the same emoluments and fees as are by law provided for township treasurers in rendering like services, except as herein otherwise provided.

SEC. 16. All the provisions of law respecting delinquent taxes levied in townships, shall apply to all taxes levied in the city, and be returned as delinquent to the county treasurer; and the city, in respect to taxes levied therein, and returned to the county treasurer as delinquent, shall, except as herein otherwise provided, be considered and treated as a township; and all provisions of law for the sale of lands for the payment of taxes levied for State, county, and township purposes, and returned delinquent, shall apply to the return and sale of property for the non-payment of delinquent taxes levied in the city, except as herein otherwise provided.

CHAPTER XXVIII.

EDUCATION.

SECTION 1. The city shall be a school district under the name of the school district of the city of Menominee, which district shall be a body corporate for school purposes, and as to all matters pertaining to public schools it shall be subject to and governed by the laws of the State of Michigan relative to the system of graded schools.

SEC. 2. The trustees of graded school district number one, township of Menominee, shall be the trustees of the school district of the city of Menominee until their successors are elected and qualified. The school officers of district number two, of the township of Menominee, shall turn over all property belonging to said district to said trustees, and the assessor of said district number two shall pay over all moneys in his hands to the assessor of school district of the city of Menominee.

CHAPTER XXIX.

FIRE DEPARTMENT.

**Establishment
and main-
tenance.**

SECTION 1. The council shall have power to enact such ordinance, and establish and enforce such regulations as they shall deem necessary to guard against the occurrences of fire, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employés, firemen, and officers thereof; and for the care and management of the engines, apparatus, property, and buildings pertaining to the department; and prescribing the powers and duties of such employés, firemen, and officers.

**Fire engines,
reservoirs, etc.**

SEC. 2. The council may purchase and provide suitable fire engines, and such other apparatus, instruments, and means for the use of the department as may be deemed necessary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds, and other suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.

Engine house.

SEC. 3. The council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams, and fire apparatus of the department.

Engineer.

SEC. 4. The engineer of the fire department shall be the chief of the department and subject to the direction of the mayor; shall have the supervision and direction of the department, and the care and management of the fire engines, apparatus, and property, subject to such rules and regulations as the council may prescribe; and the council may appoint such assistant engineers and other officers of the department as may be necessary.

**Authority to
demand
assistance.**

SEC. 5. The fire engineer, mayor, chief of police, and any alderman or officer of the fire department may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall willfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest, or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished, and in addition thereto he shall be punished in such manner as may be prescribed by the ordinances of the city.

Fire wardens.

SEC. 6. The council may provide by ordinance, for the appointment of, and may appoint such number of fire-wardens as may be deemed necessary; and for the examination by them, from time to time, of the stoves, furnaces, and heating apparatus, and devices in all the dwellings, buildings, and structures within the city, and in all places where combustibles or explosive substances are kept; and to cause all such as are unsafe, with respect to fire, to be put in a safe condition.

Fire limits.

SEC. 7. The council may prescribe by ordinance, from time to

time, limits or districts within the city, within which wooden buildings and structures shall not be erected, placed, or enlarged, and to direct the manner of constructing buildings within such districts, with respect to protection against fire, and the material of which the outer walls and roof shall be constructed.

SEC. 8. The council may also prohibit within such places or districts as they shall deem expedient the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood, or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils, and other combustibles and explosive substances, and the use of lights in buildings; and generally may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

SEC. 9. Every building or structure which may be erected, placed, enlarged, or kept, in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

SEC. 10. The officers, firemen, and employés of the department shall receive such compensation as the council may prescribe, and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property, in consequence of the performance of his duty at any fire.

SEC. 11. The engineer in charge of the department at any fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire, and no action shall be maintained against any person or against the city therefor; but if any person having an interest in the building shall apply to the council, within three months after the fire, for damages or compensation for such building, the council may, in their discretion, pay him such compensation as may be just. They may ascertain such damage by an agreement with the owner, or by the appraisal of a jury, to be selected in the same manner as in case of juries to appraise damages for taking private property for public use; and the council may cause the amount of any damages determined upon to be defrayed by a special assessment upon the property which in their opinion was protected or benefited by the destruction of such building; but no damages shall be paid for the amount of any loss which would probably have occurred to such if it had not been pulled down or destroyed.

SEC. 12. The council of said city may by ordinance prescribe such regulations to be observed by owners, masters, and employés of steamboats and water craft upon any navigable waters adjacent thereto as may be necessary for the prevention of fires in the harbor, and to prevent the communication of fire from such boats and craft; and may prescribe in such ordinance the manner of collecting any penalties imposed thereby.

*Location of
shops, lumber
yards, etc.*

*Storing of gun-
powder, oils, etc.*

*Buildings
erected in viola-
tion of ordi-
nance, nuisance.*

*Compensation of
firemen and
officers.*

*When buildings
may be pulled
down, etc.*

*Damages and
compensation.*

*Control of water
craft with regard
to fire.*

CHAPTER XXX.

MISCELLANEOUS.

Service of process.

SECTION 1. All process against the city shall run against the city in the corporate name thereof, and may be served by leaving a certified copy with the mayor, city clerk, or city attorney, at least ten days before the day of appearance mentioned therein.

Laying out and plating additions to city.

SEC. 2. No lands or premises shall hereafter be laid out, divided, and platted into lots, streets, and alleys within the city, except by permission and approval of the council by resolution passed for that purpose, nor until the proprietor shall file with the city clerk a correct survey, plan, and map of such grounds and the subdivisions thereof, platted and subdivided as approved by the council, and made to their satisfaction; showing also the relative position and location of such lots, streets, and alleys, with respect to the adjacent lots and streets of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in any office of register of deeds until a certificate has been endorsed thereon by the city clerk, under the seal of the city, showing that such plat and declaration has been approved by the council; nor shall the city, by reason of such approval, be responsible for the improvement, care, and repairs of such streets and alleys, excepting such as the council shall accept and confirm by ordinances as provided by section two of chapter twenty-two of this act.

First election of officers.

SEC. 3. The first election of officers for said city shall be held on the first Monday of April next, and polls shall be opened in each ward at eight o'clock in the morning and shall be kept opened until five o'clock in the afternoon at the several places following, viz: In the first ward at city hall; in the second ward, at the office built by E. S. Ingalls as a law office; in the third ward at Leon Cota's hall; in the fourth ward, in the addition for an office to Roland Harris's store building; in the fifth ward, at the office of the Girard lumber company. Peter A. VanBergen, J. W. Bird, Isaac Stephenson, Jr., shall be inspectors of election in the first ward; J. D. Crawford, A. L. Sawyer, and A. B. Stryker shall be inspectors of election in the second ward; Louis Young, Leon Cota, and Anton Laduk shall be inspectors of the election in the third ward; W. H. Phillips, Jacob Lisen, and Jacob Oehrling shall be inspectors of election in the fourth ward; A. Spies, J. W. Wells, and E. L. Parmenter shall be inspectors of election in the fifth ward. If at such election any of the inspectors above provided shall not be present or remain in attendance, the electors present may choose *viva voce* such number of electors as, with the inspector or inspectors present, shall constitute a board of three in number, and such electors so chosen shall be inspectors at such election. Notice of such election and of the officers to be elected thereat shall be given in each ward by the inspectors thereof herein named, by posting such notice in three public places in such ward, and the election shall be held and conducted and the votes canvassed, as provided in chapter six of this act.

Notice of.

SEC. 4. The town hall situated in said city shall hereafter be ^{City hall.}
 known as the city hall, and on the day succeeding such first election,
 at ten o'clock A. M., the chairman of the board of inspectors
 of election in the various wards shall convene at the said city hall,
 when and where the statement, certificate, poll list, register of elec-
 tors, and boxes containing the ballots of the several wards men-
 tioned in section fourteen of chapter six of this act, shall be pro-
 duced, and thereupon such inspectors shall determine what per-
 sons were duly elected to the several offices respectively, and dupli-
 cate certificates showing what officers are declared elected to the
 several offices respectively shall be made by such inspectors, and
 shall thereafter be filed as provided in section sixteen of chapter
 six of this act. All statements, certificates, poll lists, registers of
 electors, and ballot boxes in this section mentioned shall be deliv-
 ered to the city clerk when he shall have qualified and entered
 upon the duties of his office.

SEC. 5. The council having qualified according to law shall con- ^{First meeting of}
 vene on Thursday next succeeding such election, at seven o'clock
 P. M., at the city hall.

SEC. 6. All persons elected to any office at such first election ^{When persons}
 shall qualify within ten days after such election. ^{elected to}
^{qualify.}

SEC. 7. Before such first election a registration of electors in ^{Registration.}
 the several wards shall be made, and the board of inspectors in
 each ward herein named shall constitute the board of registration
 for their ward for such first registration, which shall be made and
 conducted as provided in chapter four of this act.

SEC. 8. The territory embraced within the limits of said city ^{Territory incor-}
 shall for all purposes of local government remain a part of the ^{porated to}
 township of Menominee until the first Monday of April next. ^{remain a part of}
^{township.}

SEC. 9. So much of election district number one as is not em-
 braced within the limits of said city, and election district number
 two of the township of Menominee, are hereby consolidated and
 shall hereafter be known as district number one, and the polling
 place therein shall be at Wallace. Election district number three
 of said township shall hereafter be known and designated as dis-
 trict number two.

SEC. 10. The first appointment to office by the common council ^{First appoint-}
 may be made at the first or any subsequent meeting thereof. ^{ments, when}
^{made.}

SEC. 11. All the provisions of chapter thirteen of the compiled ^{Apportionments.}
 laws of eighteen hundred and seventy-one relative to the disposi-
 tion of lands and apportionment of proceeds, and relative to the
 apportionment of moneys, rights, credits, and other personal estate,
 and relative to the apportionment of debts or the division of town-
 ships, and all the provisions of said chapter relative to settlements
 between townships constituted upon the division of a township,
 shall be applicable to the said city of Menominee and the town-
 ship of Menominee, and the common council of said city shall
 possess and exercise all of the powers conferred upon the town-
 ship board of a township by said chapter, and the mayor of said
 city may call any meeting which a supervisor is thereby author-
 ized to call: *Provided, however,* that the present township treasurer ^{Proviso.}

of the township of Menominee shall hold and retain all moneys remaining in his hands until such settlement shall have been made, and shall then pay the same to the treasurer of said township and of said city, in accordance with such settlement.

Drain commis-
sioner.

SEC. 12. The drain commissioner of the township of Menominee shall have and exercise all the powers in respect to any drain heretofore established within the limits of said city as if this act had not been passed, and the amount chargeable against said city on account of the construction of any such drain conformably to section fifteen of act number two hundred and sixty-nine of the laws of eighteen hundred and eighty-one shall be apportioned to said city.

Ordered to take immediate effect.

Approved March 16, 1883.

[No. 229.]

AN ACT to authorize Bay county to donate the Third Street Bridge to Bay City and West Bay City, or either of them.

**County author-
ized to donate
bridge.**

SECTION 1. *The People of the State of Michigan enact*, That the county of Bay is hereby authorized, by a vote of the supervisors thereof, to donate to the cities of Bay City and West Bay City, or either of them, the bridge over the Saginaw river between said cities, between Third street in Bay City and Midland street in West Bay City, and known as the Third Street Bridge, on such terms as to the protection and care thereof as may be agreed upon between said board of supervisors and the common council of said cities or city: *Provided*, This act shall not be so construed as to make it compulsory on either or both of the above named cities to accept the donation of said bridge, unless the common councils of both cities vote to accept the same: *And provided further*, That the expense of maintaining and protecting said bridge, if accepted by said cities, shall be borne by both of them *pro rata*, according to the assessed values thereof.

Ordered to take immediate effect.

Approved March 17, 1883.

[No. 230.]

AN ACT to authorize the township of Berlin, in Monroe county, to issue and sell its bonds to aid in the construction of two iron bridges, over the Huron river, one at South Rockwood and one at Flat Rock.

**Township
authorized to
borrow money
and issue bonds.**

SECTION 1. *The People of the State of Michigan enact*, That the township of Berlin, in the county of Monroe, and State of Michigan, be and it is hereby authorized and empowered to borrow, on the credit of said township, the sum of not exceeding four thousand dol-

lars, for the term of not exceeding three years, at a rate of interest not exceeding seven per cent per annum, payable annually, and for that purpose may issue forthwith the bonds of the said township, signed by the township board and countersigned by the treasurer, and in such forms and sums, not exceeding four thousand dollars, as the township board shall direct. Such bonds shall be disposed of under the direction of the township board of said township, upon such terms as they shall deem advisable, but not less than par value, and the avails thereof shall be applied solely to pay the balance due on the contract for the construction of said iron bridges.

Township board
to dispose of.

Avails thereof,
how to be
applied.

SEC. 2. It shall be the duty of the said township board of said township, to provide by tax for the payment of the interest accruing on said bonds as it shall become due, which tax shall be in addition to, and shall be levied and collected in the same manner as the taxes which the township board now is, or may hereafter be authorized to levy. And it shall be the duty of the township board of said township to provide for the payment of said bonds, at the maturity thereof, by tax upon the taxable property of said township, and collect the same as aforesaid.

Township board
to provide by
tax for the pay-
ment of bonds,
and interest
thereon, etc.

Ordered to take immediate effect.

Approved March 20, 1883.

[No. 231.]

AN ACT to reincorporate the village of Spring Lake, and to repeal act number three hundred and forty of the session laws of eighteen hundred and sixty-nine, relative to the incorporation of said village, and all acts amendatory thereto.

SECTION 1. *The People of the State of Michigan enact*, That all Territory re-in-
corporated.
that portion of fractional sections numbered fifteen, sixteen, and twenty-two, in township eight north, of range sixteen west, as lies between the center waters of Grand river, and the center waters of Spring Lake, be and the same is hereby organized and reincorporated as a body corporate under the name of "The village of Spring Lake," and subject to and under the provisions of the general act for the incorporation of villages, being act number sixty-two of the session laws of eighteen hundred and seventy-five, and such amendments as have been and may be made thereto, except as hereinafter provided.

SEC. 2. All the public printing and publication required by said general act to be done within the said village if a newspaper exists therein, may be, at the discretion of the common council of the village, be printed and published in any newspaper of Ottawa county, and such printing and publication shall have the same force and effect as though printed and published in a newspaper of said village.

Where printing
to be done.

SEC. 3. The common council of said village shall have the power Compensation of
to provide for the compensation of all the officers of said village officers.
appointed by them: *Provided*, That in no case shall such compen-

sation exceed the sum of six hundred dollars per year to any one such officer.

Ordinances and by-laws continued in force.

SEC. 4. All the ordinances and by-laws of said village now in force are continued in force that are not contrary to the provisions of said general act of incorporation.

First election.

SEC. 5. The first election in said village under this act shall be held on the second Monday of April, eighteen hundred and eighty-three, at such place in said village as the common council shall designate, and said election shall be held and conducted by the present officers of said village, subject to the provisions of this act.

To possess rights and incur liabilities of village.

SEC. 6. Said reincorporated village shall possess all the rights and property, and be subject to the liabilities and obligations of the village as heretofore incorporated, subject to said general act, and all actions and causes of action either for or against said village at the time of this reincorporation accrued, are hereby saved as fully as though this act had not passed.

Act repealed.

SEC. 7. Act number three hundred and forty of the session laws of eighteen hundred and sixty-nine, relative to the incorporation of said village, and all acts amendatory thereof are hereby repealed.

This act is ordered to take immediate effect.

Approved, March 21, 1883.

[232.]

AN ACT to incorporate the village of Morley, in Mecosta county.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact,* That the following described territory, to wit: beginning at a point one-half of one mile north of the point where the south line of Fourth street, in the village of Morley, in said county, according to the plat thereof now of record in the office of the register of deeds of said county, intersects the line of the Grand Rapids and Indiana railroad, thence running east one-half of one mile, thence south one mile, thence west one mile, thence north one mile, thence east one-half of one mile to the place of beginning, situate in townships thirteen north, range nine west, and thirteen north, range ten west, Mecosta county, Michigan, be and the same is hereby constituted a village corporate, to be known as the village of Morley.

First election of officers.

SEC. 2. The first election of officers of said village shall be held at Lawson's Hall, in said village on the first Monday of April in the year of our Lord eighteen hundred and eighty-three, due notice of which election shall be given by the board of registration herein-after appointed, by posting notices in three public places in said village ten days before said election.

Board of registration for first election.

Meeting of.

SEC. 3. George H. Ward, Wellington H. Richmond, and Fred C. Beard are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration shall meet on Saturday next preceding said day of election, at said Lawson's Hall, and remain in session the same hours required of the board of registration at

general elections, and register the names of all persons residing in said village and having the qualifications of voters at annual township meetings, due notice of which registration shall be given by ^{Notice of} said board by posting notices thereof in three public places in said village ten days previous to said meeting for registration.

SEC. 4. The said village of Morley shall, in all things not herein otherwise provided, be governed and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereof: ^{General act governing.} *Provided,* ^{Proviso.} That this act shall not be construed so as to invalidate any act heretofore done by said village or any officer thereof.

SEC. 5. In case said officers are not elected at the time designated in section two of this act, an election of officers may be held at any time within one year from the time designated in said section two on notice being given as therein required. ^{Further provisions for election.}

This act is ordered to take immediate effect.

Approved March 21, 1883.

[No. 233.]

AN ACT to incorporate the village of Lakeside, in the county of Muskegon.

SECTION 1. *The People of the State of Michigan enact,* That ^{Territory incorporated.} the following lands and territory in the township of Lakeside, county of Muskegon, and State of Michigan, described as follows, to wit: All of fractional section thirty-five (35), and the east half ($\frac{1}{2}$) of the east half ($\frac{1}{2}$) of fractional section thirty-four (34), all being in township ten north, range number seventeen west, be and the same is hereby constituted a village corporate by the name of the village of Lakeside.

SEC. 2. The first election of officers of said village shall be held ^{First election of officers.} on the first Monday in April, in the year of our Lord one thousand eight hundred and eighty-three, at Fowler's Hall in said village, notice of which election shall be posted in three public places in said village, by the board of registration hereinafter appointed, at least ten days previous to said election.

SEC. 3. William D. Cathcart, Albert W. Fowler, and Porter P. Misner are hereby constituted a board of registration, for the purpose of registering the names of voters for the first election to be held in said village, and the said board of registration are hereby ^{Board of registration for.} *Meeting of.* required to meet on the Saturday preceding the first Monday in April, in the year of our Lord one thousand eight hundred and eighty-three, at nine o'clock in the forenoon, and remain in session until five o'clock in the afternoon, and register the names of all persons presenting themselves for registration, having the qualifications of voters at annual township meetings, and said board shall meet at Fowler's Hall in said village for the purpose of registering said voters, due notice of which meeting shall be given by said ^{Notice of.}

General act governing.

Further provisions for first election.

board, in the same manner and for the same time as is provided for giving notice of election in section two of this act.

SEC. 4. The said village of Lakeside shall in all things not herein otherwise provided for, be governed by and its powers and duties defined by act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto.

SEC. 5. In case said officers are not elected at the time and in the manner designated in section two of this act, an election for officers may be held at any time within one year from the time designated in said section two of this act, on notice given as provided by section two of this act.

This act is ordered to take immediate effect.

Approved March 21, 1883.

[No. 234.]

AN ACT to incorporate the village of Palmer, in Marquette county.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact,* That the following described territory to wit: South half of section twenty-eight, the whole of sections twenty-nine, thirty, and thirty-one, and north half of section thirty-two, in township forty-seven north, of range twenty-six west, in the county of Marquette, and State of Michigan, be and the same is hereby constituted a village corporate, to be known as the village of Palmer.

First election of officers.

SEC. 2. The first election of officers of said village shall be held at the school-house of school district number one, of the township of Richmond, in said county, on the first Tuesday of April, eighteen hundred and eighty-three, and the persons composing the board of registration, hereinafter mentioned, shall constitute the board of inspectors of said first election, due notice of which election shall be given by the board of registration hereinafter appointed, by posting notices in three public places in said village five days before said election, but the omission to post such notices shall not invalidate such election.

Notice of.

SEC. 3. William M. Kirkpatrick, John Richel, and John Jewell are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration shall meet on the Saturday next preceding said day of election at said school house in said village, and remain in session from ten to twelve o'clock in the forenoon, from two to five o'clock in the afternoon, and from seven to nine o'clock in the evening, and register in a book to be called the register of electors, the names of all persons residing in said village having the qualifications of electors at annual township meetings, and such board shall also procure a copy of the township register of electors of the township of Richmond, in said county, and enter

Board of registration for first election.

Meeting of and registering of voters.

on said village register of electors the names of all persons then residing in said village whose names appear on such copy of township register. Said board shall give due notice of such registration by posting notices thereof in three public places in said village five days previous to said meeting for registration.

SEC. 4. Said village of Palmer shall in all things not herein otherwise provided, be governed, and its powers and duties be defined by an act entitled, "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto. The common council of said village shall have power to pass ordinances to suppress the peddling of intoxicating liquors within the limits of said village, and to suppress the soliciting or taking of orders for the sale and delivery of intoxicating liquors by the bottle, gallon, or keg, or in other like small quantities, and to suppress the delivery of such intoxicating liquors, and such ordinances may provide for treating intoxicating liquors so offered for sale or delivery as a nuisance, and for the abatement of the same in a summary manner.

SEC. 5. The electors present at the place of registration, or place of election, may fill any vacancy or vacancies that may occur in such board of registration or board of election. The members of the board of registration and inspectors of election shall take the constitutional oath of office before entering on the discharge of their duties, which oath may be administered by any of such members of the board of registration or inspectors of election.

This act is ordered to take immediate effect.

Approved March 21, 1883.

[No. 235.]

AN ACT to amend section three (3) of act number sixty two (62), of the session laws of eighteen hundred and forty-nine, approved March five, eighteen hundred and forty-nine, being an act entitled "An act to incorporate the trustees of Elmwood Cemetery."

SECTION 1. *The People of the State of Michigan enact, That* section three (3) of act number sixty-two (62), of the session laws of eighteen hundred and forty-nine, approved March five, eighteen hundred and forty-nine, being an act entitled, "An act to incorporate the trustees of Elmwood Cemetery," be amended so that the same shall read as follows:

SEC. 3. The said corporation may hold for the purposes contemplated by this act, such real estate as they now possess, and may purchase and hold such other real estate as may be necessary to effectuate the purposes aforesaid; that the title to lots in said cemetery may be passed by a certificate to be signed by the president and countersigned by the secretary, under the corporate seal, but always subject to the by-laws, rules, and regulations which have

Powers of corporation to hold and purchase real estate, etc.

Title to lots to pass by certificate, etc.

**Power to alter,
re-plat, etc.**

**Disposition of
proceeds from
sale of lots.**

**Exemption
from taxation,
etc.**

**Corporation to
hold property in
trust for, etc.**

been or may be adopted by the trustees; that all certificates heretofore granted for lots shall have the same legal effect; that said trustees shall have full power and authority in their discretion to alter, change, or re-plat the unsold portions of said cemetery lands and the avenues, roads, walks, and grounds now used for shrubbery or other purposes; and all moneys to be realized from the sale of lots after paying the original purchase price of said land shall be applied to the care and improvement of said cemetery; except that said trustees shall be authorized in their discretion from the moneys arising from the sale of lots or otherwise to create a sinking fund for the purpose of producing an income for the care and maintenance of said cemetery; which fund, together with all lands now held or which may hereafter be acquired by said corporation for the purpose aforesaid, shall be forever exempted from all public taxes and assessments, and from all liability to be sold on execution, or for the payment of debts by assignment under any insolvent law. The said corporation may hold in trust any donation or bequest of property, and may apply the same or the income thereof in the improvement or embellishment of the cemetery, or for the erection, repair, preservation, and renewal of any tomb, monument, or fence, or for the planting or cultivation of trees, shrubs, flowers, plants, in and around any cemetery lot, or for the improvement of said premises, in any form or manner, conformable to the terms of said grant or bequest.

This act is ordered to take immediate effect.

Approved March 21, 1883.

[No. 236.]

AN ACT to organize the township of McMillan, in the county of Chippewa.

**Territory set off
and re-organized.**

**First township
meeting.**

**Board of inspec-
tors of, etc.**

SECTION 1. *The People of the State of Michigan enact,* That all of townships forty-six and forty-seven north, range eight west; townships forty-six and forty-seven north, range nine west; townships forty-six and forty-seven north, range ten west; townships forty-six, forty-seven, and south half of township forty-eight north, range twelve west, now forming a portion of the township of Sault Ste. Marie, in the county of Chippewa, be and the same are hereby set off from the residue of said last named township and organized into a separate township by the name of McMillan, and the first township meeting thereof shall be held at the school-house in the northwest quarter of section twenty-five, town forty-six north, range ten (10) west, on the first Monday of April next.

SEC. 2. Charles S. Bart, William H. Kay, and Edward N. Garret are hereby made and constituted a board of inspectors for said township election, and at such election the qualified electors shall choose by ballot persons to fill the various township offices in manner and form as provided by the general laws of this State in case of township elections.

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time specified for holding the same, it shall be lawful to hold the same at any time thereafter, by giving at least fifteen (15) days' notice of the time and place of holding such meeting, by posting notice thereof in four of the most public places in said township, which notice may be given by said board of inspectors of election, or a majority of them.

SEC. 4. If for any reason all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified, it shall be lawful for the electors of said township, who shall be present at the time designated for opening the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election, in place of such inspectors who shall neglect or be unable to attend such meeting.

SEC. 5. And the said Charles S. Burt, William H. Kay, and Edward N. Garrett, or a majority of them, shall constitute a board of registration, with like powers and duties of township boards of registration in other cases, and the holding of the session of said board of registration shall be at the said school-house on the Saturday preceding said election.

This act is ordered to take immediate effect.

Approved March 21, 1883.

Further provisions for first election.

Further provisions for inspectors.

Board of registration.

[No. 237.]

AN ACT to amend section one of act number two hundred and eighty-eight, session laws of eighteen hundred and seventy-seven, entitled "An act to authorize the county of Menominee to repair the existing bridge across Menominee river."

SECTION 1. *The People of the State of Michigan enact,* That section one (1) of act number two hundred and eighty-eight, of the session laws of eighteen hundred and seventy-seven entitled "An act to authorize the county of Menominee to repair the existing bridge across the Menominee river," approved March thirtieth, eighteen hundred and seventy-seven, be and the same is hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact,* That the board of supervisors of Menominee county, acting in conjunction with the proper officers having charge of roads and bridges in Wisconsin, are hereby authorized to repair and to keep in repair, and to re-build, when in their judgment it shall be necessary, the bridges heretofore built and now existing across the Menominee river, connecting the villages of Menominee, Michigan, and Marinette, Wisconsin; and the bridge across the Menominee river at Twin Falls, connecting the villages of Iron Mountain, Menominee county, Michigan, and Florence, Florence county, Wisconsin.

Repairing, rebuilding and construction of bridges authorized.

Proviso.

Said board of supervisors shall also have power to build any new bridge across the Menominee river where and whenever they shall deem it necessary: *Provided*, Said board of supervisors shall not expend any greater amount of money in any one year for such purposes on any one bridge than is expended by the authorities of Wisconsin for the like work upon said bridge.

This act is ordered to take immediate effect.

Approved March 22, 1883.

[No. 238.]

AN ACT to enable the board of supervisors of the county of Houghton to purchase or build a bridge across Portage lake in the county of Houghton, to raise money by loan for such purchase or building, on vote of the electors of said county, to control and operate such bridge, and to regulate the tolls for the use of the same.

Board of supervisors empowered to purchase or build bridge.

Proviso.

Further proviso.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors for the county of Houghton are hereby authorized and empowered to purchase at such price as may be agreed upon between said board and the owner or owners thereof, the bridge now spanning Portage lake in said county, or any bridge that may hereafter be constructed across the same, or to build a bridge across the same: *Provided*, That not to exceed fifty thousand dollars shall be paid for such purpose: *And provided further*, That before any such purchase shall be made or such construction entered upon, the question whether such purchase shall be made or such bridge built shall be decided in the affirmative, in the manner hereinafter provided, by a majority of the electors of the several townships of said county, at the annual township meetings in April, at the general election in November, or at a special election to be called for that purpose, after due notice of such election to be given by said board of supervisors as hereinafter provided.

Board may determine by resolution advisability, etc.

Question to be submitted to people.

Notice to be given.

SEC. 2. Said board of supervisors may, at any regular meeting or at any meeting called for that purpose, pass a resolution in substance to the effect that in the judgment of said board it is advisable that the county of Houghton should purchase any bridge spanning Portage lake, naming or describing it, or should construct a bridge across the same, as they may determine, at a cost not exceeding the sum of fifty thousand dollars, and that the question whether such sum shall be raised by loan for that purpose shall be submitted to the people of the several townships of Houghton county at a date to be by said resolution fixed.

SEC. 3. After the passage of such resolution the clerk of the board shall give notice of the time, place, and object of such election, by publishing the same in one or more newspapers printed in said county for at least three successive weeks previous to the day fixed for such election, and by causing the same to be posted up in

three public places in each of the townships of said county, at least thirty days previous to such day of election.

SEC. 4. Ballots to be counted in favor of the proposal embodied in such notice shall have written or printed thereon "Loan of (such sum as shall be proposed), for constructing (or purchasing, as the case may be), bridge across Portage lake,—Yes," and those to be counted against such proposal shall have written or printed thereon "Loan of (such sum as shall be proposed), for constructing (or purchasing, as the case may be), bridge across Portage lake,—No;" and such votes shall be cast, received, counted, and canvassed as near as may be as is required by law in county canvasses.

SEC. 5. In case a majority of votes shall be cast in favor of such proposition, the board of supervisors are hereby authorized to issue the bonds of said county to the amount necessary for purchasing or constructing such bridge, not exceeding the amount expressed in such resolution and notice of election, payable in not less than five nor more than ten years, as they may determine, with interest thereon not exceeding eight per centum per annum, payable semi-annually, to sell the same at not less than par, and to use the proceeds, or so much thereof as may be needed for such purchase or construction.

SEC. 6. The board of supervisors may, before such proposition shall be submitted to vote, agree in writing with the owner or owners of any such bridge upon the price to be paid therefor, subject to the approval of the electors of the county, and may, at the expense of the county, before such submission cause to be made plans, specifications, and estimates of cost of a bridge.

SEC. 7. Should a majority of the electors vote in favor of constructing a bridge under a resolution of the board recommending such construction, the work of construction and the furnishing of materials shall, either as a whole or under such subdivisions as may seem advisable to said board, be let to the lowest responsible, competent bidder or bidders, who shall furnish such security as may be ordered by the board, after advertising for bids in such public manner as the board shall deem advisable, for not less than three weeks: *Provided*, Said board shall have the right to reject any and all bids *Proviso*. and advertise anew therefor.

SEC. 8. Any bridge that may be constructed or purchased under this act shall be and remain under the control of the said board of supervisors, with full power in their discretion to make the same free of toll or to impose and collect rates of toll for passage across the same, not exceeding what shall be sufficient to pay the cost of operating and keeping the same in repair.

SEC. 9. Said board is hereby authorized and required to vote annually such sums as shall be sufficient for the payment of the interest and principal of such loan as fast as the same shall become due, which sums shall be assessed and collected like other county taxes, and said board is empowered to vote and collect, like other county charges, annually, an amount not exceeding such sums as may be necessary to operate and keep in repair such bridge.

SEC. 10. Said board is hereby empowered, in case of construct-

Ballots to contain what.

When board may issue bonds.

Time and rate of interest.

Powers of board in reference to.

Letting of contracts.

Bridge to be under control of board.

How bonds and interest to be paid.

Board may purchase land. ing a bridge under this act, to acquire by purchase any land necessary for the landings and approaches of such bridge and to pay for the same out of the county treasury.

This act is ordered to take immediate effect.

Approved March 22, 1883.

[No. 239.]

AN ACT to organize the township of Humboldt in Marquette county, and to authorize said township to license hawkers and peddlers.

Township of Humboldt organized.

SECTION 1. *The People of the State of Michigan enact,* That townships forty-four, forty-five, forty-six, and forty-seven north, of range twenty-nine west, and township forty-four north, of range thirty west be and they are hereby organized into a separate township by the name of the township of Humboldt.

First election.

SEC. 2. The first election in said township shall be held at the town hall on the first Monday of April, eighteen hundred and eighty three. John B. Maas, Thomas Gill, and John B. Fitz Patrick are hereby appointed inspectors of said election. If for any reason said election shall not be held at the time specified, then said inspectors, or a majority of them, are hereby authorized and required, as soon thereafter as may be, to call a special election at said town hall, by giving notice posted up in three public places in said township for two weeks before said special election is held.

General powers of.

SEC. 3. Said township of Humboldt shall have and possess all the powers now or hereafter conferred by law on the several townships of this State, and shall in addition thereto possess the following powers :

Power to regulate peddlers.

First, The township board shall have power to adopt, alter, amend, or appeal by-laws, to license peddlers and hawkers of goods, wares, and merchandise, except spirituous or intoxicating liquors ;

**To prohibit peddling of spirituous liquors.
Amount of license.**

Second, To suppress and prohibit the peddling of spirituous or intoxicating liquors.

License money to be placed to credit of contingent fund.

Licenses of pack or foot peddlers shall not exceed twenty-five dollars per week. Licenses of peddlers who carry their goods by railroad, wagons, sleighs, or other vehicles shall not exceed forty dollars per week. The township board shall have full power to make rules and regulations for the issuing of such licenses, and all moneys collected for licenses, or for the violation of any by-laws shall be placed to the credit of the township contingent fund.

Jurisdiction of justices.

SEC. 4. Any justice of the peace of said township shall have jurisdiction to try offenses against any by-law adopted by said township board under the provisions of section three of this act. Any person convicted before any such justice shall be punished by fine not to exceed one hundred dollars and costs, or by imprisonment in the county jail of Marquette county not to exceed ninety days, in the discretion of said justice of the peace. The defendant shall have the right to a jury trial, and may take an appeal to the circuit court for the county of Marquette from any judgment

Jury trial.

rendered against him, within the same time and in the same manner as from the judgments of justices of the peace in civil cases. The use of the county jail of Marquette county is hereby granted for the imprisonment of persons convicted under said by-laws who refuse or neglect to pay the fines imposed on them, but the township shall pay the board and other legal charges while said prisoners are so confined. Commitments may be in the same form as in the case of persons convicted of criminal offenses before justices, as near as may be; all suits under said by-laws shall be commenced in the name of the township of Humboldt.

SEC. 5. No by-law shall take effect until the expiration of ten days after its adoption. It shall be the duty of the township clerk to post up copies of all by-laws, in at least three public places in said township, and also publish the same in some newspaper published in said county for two weeks after the passage of such by-laws.

SEC. 6. The next annual township meeting of Ely township shall be held at the store of Charles McNamara at Clarksburg. The electors present at the opening of the polls shall choose three inspectors of said election, and the present township clerk of Ely township, who resides within the limits of Humboldt township, shall deposit all the books and papers in his possession, including the register of electors, with said Charles McNamara until a township clerk is elected, on or before March twenty-sixth, eighteen hundred and eighty-three, and take an itemized receipt therefor. Said McNamara shall deliver said register of electors to said inspectors of election, after they are chosen as aforesaid, and they shall have power then and there to register the names of all legal voters of said township not already registered, who may make application for registration on said day of election, whereupon such voters shall have the right to vote the same as all other registered voters.

This act is ordered to take immediate effect.

Approved March 22, 1883.

[No. 240.]

AN ACT to organize the township of Warner, in the county of Antrim.

SECTION 1. *The People of the State of Michigan enact,* That surveyed township numbered thirty-one (31) north, of range five (5) west, now forming part of the township of Jordan, in the county of Antrim, be and the same is detached from the said township above named, and organized into a separate township to be known as the township of Warner.

SEC. 2. The first annual meeting of the said township of Warner shall be held at the house of L. D. Gardner, on section twenty-four in said township of Warner, and L. D. Gardner, William B. Moore and Frank Sweatman are hereby made and constituted a board of inspectors of said township election, and at such election

Right to use
county jail.

Form of com-
mitment.

When by-laws
to take effect.
Notice and pub-
lication of.

Annual meeting
of Ely township.

Inspectors of
election.

Books and
papers to be
deposited, etc.

Register to be
delivered to
inspectors.

Registration.

First annual
meeting.

Board of
inspectors of
election.

the qualified electors shall choose, by ballot, persons to fill the various township offices in manner and form as provided by the general laws of this State in case of township elections.

**Further provi-
sions for election.**

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time specified for holding the same, it shall be lawful to hold the same at any time thereafter, by giving at least ten (10) days' notice of the time and place of holding such meeting, by posting notice thereof in four of the most public places in said township, which notice may be given by said board of inspectors of election, or a majority of them.

**Further provi-
sions for inspect-
ors of election.**

SEC. 4. If for any reason all, or either of the inspectors hereby appointed, shall neglect or be unable to attend the first township meeting, at the time specified, it shall be lawful for the electors of said township, who shall be present at the time designated for opening the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to be present at said meeting.

**Board of regis-
tration.**

SEC. 5. And the said L. D. Gardner, William B. Moore, and Frank Sweatman, or a majority of them, shall constitute a board of registration, with like powers and duties of township boards of registration in other cases, and the holding of the sessions of said board of registration shall be at the house of said L. D. Gardner, on the Saturday preceding said election.

This act is ordered to take immediate effect.

Approved March 22, 1883.

[No. 241.]

AN ACT to revise and amend the charter of West Bay City.

Title I., of City Boundaries, Incorporations and Ward Boundaries.

Title II., of Electors and Registration.

Title III., of Elections and Appointments.

Title IV., of Powers and Duties of the Common Council.

Title V., of Duties and Compensation of Officers.

Title VI., of Police.

Title VII., of Public Health.

Title VIII., of Cemeteries.

Title IX., of Markets.

Title X., of Public Buildings, Grounds, and Parks.

Title XI., of Sewers, Drains, and Water Courses.

Title XII., of Streets and Public Improvements.

Title XIII., of Assessments and Collection of Taxes.

Title XIV., of Finance and Taxation.

Title XV., of Prevention and Extinguishment of Fires.

Title XVI., of Public Schools.

Title XVII., of Miscellaneous.

SECTION 1. *The People of the State of Michigan enact, That an*

act to consolidate Wenona, Banks, and Salzburg, to be known as *Act amended*,
the city of West Bay City, approved May second, eighteen hundred
and seventy-seven, and the acts amendatory thereof, be revised and
amended so as to read as follows :

TITLE I.

CITY BOUNDARIES, INCORPORATION, AND WARD BOUNDARIES.

SECTION 2. *The People of the State of Michigan enact, That so Territory.*
much of the county of Bay, in the State of Michigan, to wit: Beginning
at a point in the middle of the Saginaw river, where the north
line of section fourteen, town fourteen north, of range five east,
crosses said river; thence southwesterly along the middle of said
Saginaw river to a point where the south line of section thirty-two,
town fourteen aforesaid, crosses said Saginaw river; then west, on
the south line of said section thirty-two, to the southwest corner
thereof; thence north along the west side of sections thirty-two,
twenty-nine, and twenty, town fourteen aforesaid, to the northwest
corner of said section twenty; thence east along the north line of
said section twenty to the quarter post of said section twenty;
thence north along the quarter line of section seventeen, town four-
teen aforesaid, to the north line of said section seventeen; thence
east along the north side of the east half of said section seventeen,
and north line of sections sixteen, fifteen, and fourteen to the place
of beginning, be and the same is hereby declared to be a city, by
the name of West Bay City.

Sec. 3. The electors of said city, from time to time, being inhabi- Body politic and
corporate.
tants thereof, shall be and continue a body corporate and politic, to be known and distinguished by the name and title of the city of Name.
West Bay City, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all other places whatever; and may Seal.
have a common seal, which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, conveying, and disposing of any real and personal estate for said city.

Sec. 4. The said city shall be divided into five wards as follows, Wards.
to wit: The first ward shall embrace all that portion of the city within the following described limits, to wit: Beginning at the center of the First ward.
Saginaw river, where the north line of section fourteen, town fourteen north, of range five east, crosses said river, running thence west on the north line of sections fourteen, fifteen, and sixteen, to the northwest corner of the northeast quarter of the northwest quarter of said section sixteen; thence south on the sub-quarter line to the southeast corner of the northwest quarter of the southwest quarter of said section sixteen, thence south forty-one degrees and twenty minutes east, between the lands of John Bourn and the Keystone Lumber and Salt Manufacturing Company to the center of the Saginaw river. The second ward shall embrace all that portion of Second ward.
the city contained in section sixteen not included in the first ward,

the east half of section seventeen, the north half of the north half of section twenty, and all of section twenty-one north of the center line of Dunbar street in Litchfield's addition to the village of Wenona, to railroad track, and north of the north line of said Dunbar street if extended easterly from railroad track to the center of the Saginaw river. The third ward shall embrace all that portion of the city contained in section twenty and twenty-one north of the center line of Jane street, extending in a direct line east through Fitzhugh and Kiesel's sub-division of the west half of the southwest quarter of said section twenty, and the plat of Lake City to the center of the Saginaw river, and not included in the second ward. The fourth ward shall embrace all that portion of the city contained in section twenty south of the center line of said Jane street as described for the third ward, the north half of the north half of the northwest quarter of section twenty-nine, and that part of the plat of Salzburg north of the center line of Ninth street, to the center of the Saginaw river. The fifth ward shall embrace all that portion of the city contained in section twenty-nine not included in the fourth ward, and all of section thirty-two.

TITLE II.

ELECTORS AND REGISTRATIONS.

Elector. SECTION 1. The inhabitants of said city having the qualifications of electors under the constitution of this [the] State, and no others, shall be electors therein.

Where entitled to vote. Sec. 2. Every elector shall vote in the ward where he shall have resided during the ten days next preceding the day of election. The residence of any elector not being a householder shall be deemed to be in the ward in which he boards or takes his regular meals.

Registration for April election of 1883. Sec. 3. There shall be a registration of the electors in the several wards of the city, on the Saturday next preceding the April election of eighteen hundred and eighty-three, and the common council, as now constituted, is hereby authorized to appoint three discreet persons in each ward, to constitute a board of registration and inspectors of election, and to designate the place in each ward of the city where the first registration and election shall be held, and five days' notice of such registration in said wards shall be sufficient. The said board of inspectors and of registration in the several wards shall be organized and its members qualified as the common council shall direct.

Notice of registration. Sec. 4. At the first annual election to be held under this act, and at each annual election thereafter to be held, there shall be elected by the qualified electors, voting in their respective wards, three persons who shall be the board of registration and inspectors of all elections to be held in their respective wards for the next succeeding year, and they shall hold no other elective office during the year for which they are so elected. Two candidates for this office shall be nominated by each party, and of the persons thus nominated the three receiving the highest number of votes shall be

At first annual election board of registration and inspectors of election to be elected.

declared elected ; and if there be a vacancy on the board it shall be filled by the other members of the board on the nomination of the ward committee of the same party as the person whose absence or disability causes the vacancy.

Sec. 5. The board of registration, at their session previous to the general election in November, in the year one thousand eight hundred and eighty four, shall make a re-registration of the qualified electors of the respective wards, in books of the form provided by law. The same rules shall be observed in such registration as are provided by law for the registration of electors in cities; and a like re-registration of the electors of each ward shall be made at the session of the boards next preceding the general election in the year eighteen hundred and eighty-eight, and every fourth year thereafter. When such new registry shall be made, the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration unless his name shall be registered in such new register. Notice that such re-registration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made.

Sec. 6. On the Saturday next preceding the day for holding any general or charter election in said city the boards of registration of the several wards of said city shall be in session at such places in their respective wards in said city as the common council shall designate, for the purpose of revising and completing the list of qualified voters entitled to a vote at the election then next ensuing, during which session it shall be the right of each and every qualified voter then actually residing in said city, and whose name is not already registered in the ward in which he resides, to have his name entered in the register of said ward, on appearing before the board and making application therefor. Notices that such meetings for revising and completing the registers shall be given in the same manner, and the same rules shall be observed in such sessions, as are provided therefor by the laws of this State for annual registration in cities except as in this act otherwise provided.

TITLE III.

ELECTIONS AND APPOINTMENTS.

SECTION 1. An annual city election shall be held on the first Monday in April in each year, at such place in each of the several wards of the city as the council shall designate.

Sec. 2. Special elections may be appointed by resolution of the council, and held in and for the city, or in and for any ward thereof, at such times and place or places as the council shall designate, the purpose and object of which shall be fully set forth in the resolution appointing such election.

Sec. 3. Whenever a special election is to be held, the council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice signed by the city clerk, specifying the officer or officers to be chosen, and the question or proposition, if any, to be submitted to the vote of the electors,

Publication and posting notice of.

and the day and place at which such election is to be held, and the proceedings and manner of holding the election shall be the same as at the annual elections.

Manner of conducting elections.

Sec. 4. The recorder shall cause printed notices of the holding of said election to be posted at least six days previous thereto, in three of the public places in each ward, and by publishing a notice of the same in one or more newspapers published in said city.

Ballot boxes.

Sec. 5. Such annual or special election shall be held and conducted in the manner provided by the laws of this State for holding general elections, except as by this act otherwise provided.

Canvass and declaration of vote.

Sec. 6. The common council shall provide suitable ballot boxes for each ward, with locks and keys, in which to deposit the ballots offered at any election.

Certificate to be filed.

Sec. 7. Immediately after the closing of the polls, the inspectors of election shall, without adjournment, publicly canvass the votes received by them, according to law, and declare the result, and shall, on the same or on the next day, making [make] a certificate stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election, or on the next day, with the recorder of the city.

City officers elected.

Sec. 8. The officers of said city shall be one mayor, one treasurer who shall be *ex officio* city collector and member of the board of supervisors of the county of Bay, one recorder who shall be *ex officio* city clerk, school inspector and member of the board of supervisors of the county of Bay, one comptroller who shall be *ex officio* city assessor and member of the board of supervisors of the county of Bay, two school inspectors who shall possess the same powers as like officers in the townships of this State, and four justices of the peace, all of whom shall be elected by the qualified electors of the whole city at the annual city election immediately preceding the time when the term of their offices respectively expires. There shall also be elected at each annual election, by the electors of each ward, one alderman who shall hold his office for two years, one supervisor, one constable, and three inspectors of election who shall each hold his office for one year; each of such supervisors shall be *ex officio* members of the board of supervisors of the county of Bay, and shall have such other powers as shall be conferred upon them by this act.

Ward officers to be elected.

Sec. 9. At the annual election for the year eighteen hundred and eighty-three there shall be elected a mayor, treasurer, and recorder for a term of one year and a comptroller for two years. - The comptroller shall be elected at the annual election held each two years thereafter. At the annual election in eighteen hundred and eighty-four there shall be elected a mayor and recorder for a term of two years each and they shall be elected each two years thereafter, also a treasurer who shall be elected annually thereafter. There shall also be elected at the annual election in eighteen hundred and eighty-three, two school inspectors, one for one year and one for two years, and each year thereafter there shall be elected one school inspector for two years. At such election there shall also be elected in each of the several wards [one alderman who shall hold his office for one year, and] one alderman who shall hold his office for two years, one supervisor, one constable, and three inspectors of election.

City and ward officers to be elected at annual election of 1883.

SEC. 10. At the annual city election for the year eighteen hundred and eighty-five (1885), there shall be elected, on the city ticket, one justice of the peace who shall hold his office for four (4) years and who shall be the legal successor of Samuel L. Brigham—one of the present justices of the peace of the city—and one justice of the peace who shall hold his office for three years and who shall be the legal successor of Stephen P. Flynn—one of the present justices of the peace of the city—and one justice of the peace who shall hold his office for two (2) years and who shall be the legal successor of Fred Neuman—one of the present justices of the peace of the city—and one justice of the peace who shall hold his office for one year and who shall be the legal successor of Robert Leng—one of the present justices of the peace of the city—and at each annual city election thereafter there shall be elected one justice of the peace who shall hold his office for four years and who shall be the legal successor of the justice of the peace whose term of office then first expires. The present justices of the peace in said city shall continue to hold their respective offices till their successors are elected and qualified under this act.

SEC. 11. If at any election in [the] said city there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person is voted for, for [the] said office, shall be designated on the ballot.

SEC. 12. The council shall convene on Thursday next succeeding any election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and, thereupon the recorder shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk, and the other shall be filed in the office of the recorder.

SEC. 13. The person receiving the greatest number of votes for any office in said city or ward shall be deemed to have been duly elected to such office; but if two or more persons shall receive an equal number of votes for any office, the council shall appoint a day for the appearance before them of all such persons, for the purpose of determining by lot the right to such office, and shall cause notice thereof to be given to all such persons interested. At the time appointed such persons shall draw lots for such office before the common council, in the same manner, as near as may be, as is prescribed by law for the drawing of lots by candidates for members of the legislature, and the person successful in the lot shall be declared duly elected.

SEC. 14. It shall be the duty of the recorder of said city, as soon as practicable, and within three days after the election or appointment of any officer or officers, to notify such officers respectively of their election or appointment; and the said officers so notified as

Justices of the
peace to be elec-
ted at annual
election of 1885.

Justices to be
elected at subse-
quent elections.

Present justices
to continue in
office.

Ballot, when
vacancy to be
filled, etc.

Determining
result of elec-
tion by council.

Certificates.

Tie vote, how
determined.

Notice to per-
sons elected.

Oath of office. aforesaid shall, within ten days after such notice, take the oath of office prescribed by the constitution of this State, before some officer authorized by law to administer oaths, and file the same, together with his official bond, if any be required, in the recorder's office of said city.

Bonds Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the recorder shall report in writing to the council, the names of the persons elected or appointed to any office, who shall have neglected to file such oath and requisite bond or security for the performance of the duties of the office.

Appointment of officers by council, etc. Sec. 15. The common council shall, on the third Monday in April in each year, or as soon thereafter as may be, appoint one city marshal, one city attorney, one harbor-master, and one city surveyor and also one street commissioner in each ward, and may appoint one city sexton, and so many policemen, watchmen, fire wardens, pound-masters, inspectors of fire-wood, weigh-masters, and auctioneers as they shall from time to time deem necessary, and also such other officers as may be necessary to carry into effect the provisions of this act, who shall hold their offices for one year; and the common council may prescribe their duties in addition to those defined in this act. Whenever any officer appointed by the provisions of this section shall, for any cause, be unable to perform the duties of his office, the common council shall have power to appoint an officer who shall perform the duties of the office until such disability shall cease.

Failure to file oath, and bond, etc. Sec. 16. If any person elected or appointed under this title shall not take and subscribe the oath of office, and file the same as herein directed, or shall not cause a notice of acceptance to be filed as herein directed, or if required by the common council to execute an official bond or undertaking, shall neglect to execute and file the same, in the manner and within the time prescribed by the common council, such neglect shall be deemed a refusal to serve, unless before any step is taken to fill any such office by another incumbent, such oath shall be taken, such acceptance be signified, and such bond executed and filed as aforesaid.

Officers to deliver to successors books, papers, etc. Sec. 17. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office, all the books, papers, moneys, and effects in his custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for a like offense, under the general laws of this State now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

Powers of common council to fill vacancies in office, etc. Sec. 18. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except justices of the peace, the common council may, in their discretion, fill such vacancy by the appointment of a suitable person; and any officer appointed to

fill a vacancy, if the office is elective, shall hold, by virtue of such appointment, only until his successor shall be elected and qualified; if an elective office which shall have become vacant was one of that class whose term of office continues after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

Sec. 19. Any person elected or appointed to any office under this act, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and qualified; and when a person is elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified.

Sec. 20. No person shall be eligible to any city office unless he shall then be an elector and resident of said city, nor shall he be eligible to any office for any ward or district unless he shall then be an elector and resident of such ward or district; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or to any board of officers thereof, or to any school district, county, or other municipal corporation of the State. All votes for, or any appointment of, any such defaulter shall be void.

Sec. 21. If any officer shall cease to be a resident of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated.

Sec. 22. Resignations by any officer authorized to be chosen or appointed by this act, shall be made to the common council, subject to their approval and acceptance: *Provided*, The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

Sec. 23. The expenses of any election held as provided by this act or by the laws of the State, shall be a city charge, and paid from the city fund.

Sec. 24. All officers except justices of the peace, elected as herein-before provided, shall enter upon the duties of their respective offices as soon as elected and qualified.

TITLE IV.

POWERS AND DUTIES OF THE COMMON COUNCIL.

SECTION 1. The mayor and aldermen of said city shall constitute the common council.

Sec. 2. The mayor shall be president of the council, and preside at the meetings thereof, but shall have no vote therein except in case of a tie, when he shall have the casting vote.

Sec. 3. On the first Monday in May, eighteen hundred and eighty-three, and on the first Monday in May in each year thereafter, the council shall appoint one of their number president *pro tempore* of the council, who, in the absence of the president, shall

preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions. In the absence of the president and president *pro tem.*, the council shall appoint one of their number to preside; and for the time being he shall exercise the powers and the duties of the president *pro tem.*

Recorder to be clerk of.

Sec. 4. The recorder shall be clerk of the council but shall have no vote therein. He shall keep a full record of all the proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the recorder the council shall appoint one of their number to perform the duties of his office for the time being.

Aldermen to attend meetings of.

Sec. 5. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon.

Judges of election of members.

Meetings of.

Sec. 6. The council shall be judge of the election returns and qualifications of its own members. It shall hold regular, stated meetings for the transaction of business, at such times and places within the city as it shall prescribe, not less than two of which shall be held in each month. The mayor, or any three members of the council, may appoint special meetings thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence, at least twelve hours before the meeting.

Meetings of, public. Quorum.

Sec. 7. All meetings and sessions of the council shall be in public. A majority of the common council shall make a quorum for the transaction of business; a less number may adjourn from time to time and may compel the attendance of absent members in such manner as they shall direct. But no office shall be created or abolished, nor any street, alley, or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution or vote of the council; nor shall any such resolution appropriating moneys be passed or adopted, except by the vote of a majority of all the aldermen elected to office.

How money appropriated.

Sec. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes on the adoption of any resolution or ordinance, report of a committee, or other act for taxing or assessing the citizens of said city, or involving the appropriation of public moneys, shall be taken by yeas and nays, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative; any one member of the council shall have the right to demand the yeas and nays on any question; and all votes so taken shall be entered at large on the minutes, as herein provided.

Rules of procedure, etc.

Sec. 9. The council may compel the attendance of its members and other officers of the city at its meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance be

Powers over members, etc.

prescribed; and may prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.

Sec. 10. The city attorney, city marshal, street commissioner, and chief engineer of the fire department shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

Sec. 11. The common council in addition to the powers and duties especially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as they shall deem proper and necessary.

Sec. 12. The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents, ^{Books, records, documents, etc.} ports, contracts, receipts, vouchers, and papers relating to the finances and affairs of the city, or to the official acts of any officer of the corporation, unless required by law to be kept elsewhere, to be deposited and kept in the office of the recorder, and to be so arranged, filed, and kept as to be convenient of access and inspection; and all such records, books, and papers shall be subject to inspection by any inhabitant of the city, or other person interested therein, at all seasonable times, except such parts thereof as, in the opinion of the council, it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, ^{Penalty for injury to, etc.} deface, alter, or destroy any such books, records, documents, or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

Sec. 13. No member of the common council shall, during the period for which he was elected, be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid under any ordinance of the common council, nor be bondsman or surety on any contract or bond given to said city; but this section shall not be construed to prevent the mayor or recorder from receiving any salary which may be fixed by this act, nor from holding any office, nor to deprive any alderman of any emoluments or fees to which he may be entitled by virtue of his office. Any member of the council ^{or Penalty.} officer of the city herein specified offending against the provisions of this section shall upon conviction thereof be fined not less than five hundred nor more than one thousand dollars, or be impris-

oned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

Removal from office.

SEC. 14. Any person appointed to office by the council, by authority of this act, may be removed therefrom by a vote of the majority of the aldermen elect, and the council may expel any alderman or remove from office any person elected thereto except the mayor and justices of the peace, by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers provision shall be made by ordinance for preferring charges and trying the same, and no removal of an elective officer shall be made unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

Investigation of charges against officers.

SEC. 15. To enable the council to investigate charges against any officer or such other matters as they may deem proper to investigate, the mayor or any justice of the peace of the city is empowered, at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers before the council or any committee thereof.

Powers of investigation.

SEC. 16. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council, or chairman of such committee for the time being, shall have power to administer the necessary oaths, and such council or committee shall have the same power to compel the witnesses to testify as is conferred on courts of justices of the peace.

Auditing claims against the city.

SEC. 17. The council shall audit and allow all accounts chargeable against the city, but no account, or claim, or contract shall be received for audit or allowance unless it shall be accompanied with an affidavit of the person rendering it, which affidavit may be taken and certified by any member of the common council, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered, for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no set-off exists, nor payment has been made on account thereof, except such as are endorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed and the true date of each. It shall be a sufficient defense in any court to any action or proceeding for the collection of any demand or claim against the city, that it has never been presented, verified as aforesaid, to the council for allowance, or that the claim was presented without the affidavit aforesaid and rejected for that reason, or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

General powers of council.

SEC. 18. The common council shall have power within said city to enact, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they may deem desirable, within said city, for the following purposes:

Prevention of vice, etc.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assem-

blages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto or for unlawful interference therewith;

Second, To apprehend and punish vagrants, drunkards, disorderly persons, and common prostitutes;

Third, To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue, or remove the same; and generally to determine and declare what shall be deemed nuisances;

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming, or to play at games of chance, and to punish the keepers thereof;

Fifth, To regulate, license, or prohibit and suppress billiard tables, nine or ten-pin alleys or tables, and ball alleys, and to punish the keepers thereof;

Sixth, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

Seventh, To regulate, prohibit, and suppress ale, beer, and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof; and to require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe;

Eighth, To prohibit and prevent the selling or giving away of any spirituous fermented, or intoxicating liquors to any drunkard or intemperate person, minor, or apprentice, and to punish any person so doing;

Ninth, To regulate, restrain, and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary, moral, or scientific subjects excepted;

Tenth, To prevent and punish violations of the Sabbath day, commonly known as Sunday, and the disturbance of any religious meeting, congregation, or society, or other public meeting assembled for any lawful purpose; and to require all places of business to be closed on Sunday;

Eleventh, To license auctioneers, auctions, and sales at auction, to regulate or prohibit the ringing of bells, or the use of any other device to attract public attention for any auction sale; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sales of goods, wares, property, or anything at auction, or by any manner of public biddings, or offers by the buyers

- or sellers after the manner of auction sales or Dutch auctions, and to license the same; and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;
- Peddlers.** *Twelfth,* To license hawkers, peddlers, and pawnbrokers, and hawking and peddling; and to regulate, license, or prohibit the sale or peddling of goods, wares, merchandise, refreshments, or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device, in the streets or highways, or in or upon the wharves, docks, open places or spaces, public grounds or buildings in the city;
- Pounds, and running at large of cattle, etc.** *Thirteenth,* To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine, and other animals, geese, and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding and to punish for forcibly taking the same from the possession of said city or its officers, until all costs and penalties are fully paid;
- Dogs.** *Fourteenth,* To regulate and prevent the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog fights within the limits of said city;
- Unwholesome or offensive substances.** *Fifteenth,* To prohibit any person from bringing within the limits of said city any dead carcass or other unwholesome or offensive substances, and to require the removal or destruction thereof, if any person shall have on his premises such substances or any putrid meats, fish, hides, or skins of any kind and on his failure to remove the same to authorize the removal or destruction thereof by some officer of the city;
- Taverns, etc.** *Sixteenth,* To regulate and license all taverns and houses of public entertainment, all saloons, restaurants, and eating houses;
- Public vehicles.** *Seventeenth,* To license and regulate all vehicles of every kind used for the transportation of persons or property for hire, in the city;
- Inspection of provisions.** *Eighteenth,* To provide for and regulate the inspection and sale of meats, poultry, fish, butter, cheese, lard, vegetables, flour, and other provisions; to regulate the fees to be paid by butchers for license: *Provided,* That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city;
- Brick, wood, hay, etc.** *Nineteenth,* To regulate the inspection, weighing, and measuring of brick, lumber, firewood, coal, hay, and any article of merchandise;
- Weights and measures.** *Twenty-first,* To provide for the inspection and sealing of weights and measures.
- Item.** *Twenty-second,* To enforce the keeping and use of proper weights and measures by venders.
- Vaults, cisterns, etc.** *Twenty-third,* To prohibit and prevent in the streets or elsewhere in said city, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings,

engravings, paintings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind;

Twenty-fourth, To regulate and prohibit bathing in the Saginaw Bathing river, and ponds, streams, and waters of the city ;

Twenty-fifth, To provide for and preserve the purity and salubrity of the waters of the Saginaw river ; to prohibit and prevent the depositing therein of all filthy and other matter tending to render said water impure, unwholesome, or offensive ; to preserve and regulate the navigation of the said river and other navigable waters within the limits of said city ; to prohibit and prevent the depositing or keeping therein any structure, earth, or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring, moving, shifting, and mooring of vessels, and laying out of cargoes and ballast from the same, and to appoint so many harbor-masters as they may deem necessary, and to prescribe their powers, duties, and compensation ;

Twenty-sixth, To license, continue, and regulate so many ferries ^{Ferries, bridges, etc.} and bridges from within said city to the opposite shore of Saginaw river, for carrying and transporting persons and property across said river, in such manner as shall seem most conducive to the public good ;

Twenty-seventh, To regulate the erection and repair of private wharves, docks, wharves and docks so that they shall not extend into the Saginaw river beyond a certain line to be established by the common council, and to prohibit the encumbering of all public wharves and docks with boxes, carriages, carts, sleighs, sleds, or other vehicle, dray, or thing whatsoever ;

Twenty-eighth, To compel the owner or occupant of any grocery, tallow-chandler's shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove, or abate the same whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of said city ;

Twenty-ninth, To regulate the buying, selling, and using of gunpowder, etc. powder, fire-crackers, and fire-works, and other combustible materials, and the exhibition of fire-works, and the discharge of firearms, and to restrain the making or lighting of fires in the streets and other open spaces in said city ;

Thirtieth, To direct and regulate the construction of cellars, slips, drains, etc., barns, private drains, sinks, and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink, or privy thereon ;

Thirty-first, To prohibit, prevent, and suppress mock auctions, and ^{Mock auctions.} every kind of fraudulent game, device, or practice, and to punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof ;

Thirty-second, To prohibit, prevent, and suppress all lotteries for ^{Lotteries.}

the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing, or managing the same;

Runners, hackmen, etc. *Thirty-third,* To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat, or railroad; also, draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Paupers. *Thirty-fourth,* To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city from any other place, any pauper or other person likely to become a charge upon said city, and to punish therefor;

Census. *Thirty-fifth,* To provide for taking a census of the inhabitants of the city whenever the council shall see fit; and to direct and regulate the same;

Cleaning, graveling, etc., of streets. *Thirty-sixth,* To sell or otherwise provide for disposing of all dirt, filth, manure, and cleanings lying in or gathered from highways, streets, avenues, lanes, alleys, and public spaces, and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving, or otherwise improving the same;

Street lamps, hitching posts, etc. *Thirty-seventh,* To provide for and regulate the lighting of public lamps, and the erection of lamps and lamp posts and suitable hitching posts; to prohibit all practices, amusements, and doings in said streets, having a tendency to frighten teams and horses, or dangerous to life or property; to remove or cause to be removed therefrom all wells and structures that may be liable to fall therein, so as to endanger life or property;

Safety, good order, and welfare of inhabitants. *Thirty-eighth,* And further: The council shall have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order, and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges, or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever;

To grade, plank, and construct sidewalks, etc. *Thirty-ninth,* The common council shall have power by resolution or ordinance to grade, plank, and construct sidewalks within said city, and to cause the expenses thereof to be assessed against the lots, tracts, and premises in front of or adjoining which such sidewalks shall be so built, graded, planked, or constructed: *Provided,* That the expenses of constructing cross-walks across streets and alleys, and sidewalks in front of the public property of said city shall be paid out of the highway fund of the ward in which said cross-walks or sidewalks are situated.

Granting and revocation of licenses. SEC. 19. The council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe, with

one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation, and the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revokable by the council at pleasure ; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

SEC. 20. No license shall be granted for any term beyond the first Monday in May next thereafter, nor shall any license be transferable. And the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required, by any ordinance or regulation of the council. All sums received for licenses granted for any purpose by the city, or under its authority, shall be paid into the city treasury to the credit of the contingent fund on or before the last day of the month on which they were received.

SEC. 21. No person shall engage in or exercise the business or occupation of tavern-keeper, inn-holder, common victualer, or saloon-keeper, within the limits of said city, until he is first licensed as such by the common council ; all hotel or tavern-keepers, inn-holders, or common victualers, who shall keep a bar in connection with their hotel, tavern, inn, or common victualing establishment, and all grocers, druggists, and all other persons who shall sell beverages by the glass or cup in their respective establishments, which are usually sold in a saloon, shall be deemed saloon-keepers within the meaning of this act, and shall be required to take a license as such : *Provided*, That nothing in this act shall be construed as licensing the sale of intoxicating liquors as a beverage.

SEC. 22. The common council shall have and exercise in and over said city the same powers in relation to the regulation of taverns, groceries, common victualers, saloon-keepers, and others as are now or may hereafter be conferred by the general laws of this State upon township boards, or upon corporate authorities of cities and villages in relation to tavern-keepers and common victualers, and subject to the same conditions and limitations ; and the general laws of this State now in force, or which may hereafter be enacted in relation to the regulation of taverns, groceries, and common victualers, shall be deemed applicable to this city unless otherwise limited.

SEC. 23. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty not exceeding one hundred dollars, unless the imposition of a greater penalty be herein otherwise provided, for a violation thereof, and may provide that the offender on failing to pay the penalty imposed shall be imprisoned in the city penitentiary or county jail for a term not to exceed ninety days ; and during the term of such imprisonment male persons so imprisoned may be kept at hard labor on the public grounds, streets, roads, sewers,

drains, bridges, or other property of the city, under such regulations as the common council may by ordinance prescribe; or such penalties may be sued for and recovered with costs in the name of the city of West Bay City.

When ordinances to take effect.

Sec. 24. No ordinance of the common council imposing a penalty shall take effect until after the expiration of at least three days after the last publication thereof in a newspaper published in said city.

Evidence of time of last publication.

Sec. 25. A record of entry made by the recorder of the said city, or a copy of such record or entry, duly certified by him, shall be *prima facie* evidence of the time of such last publication; and all laws, regulations, and ordinances of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, [officers] body, or board, in which it shall be necessary to refer thereto either,

First, From a copy certified by the recorder of the city, with the seal of the city of West Bay City affixed; or,

Second, From the volume of ordinances printed by authority of the common council.

Publications of notices, ordinances, etc.

Sec. 26. Whenever the common council are required by law to make publication of any notices, ordinances, or resolutions or proceedings in one or more newspapers of the said city, it shall be deemed sufficient to publish the same in any daily or weekly newspaper published in said city.

Auditing accounts of city treasurer, and financial statement, etc.

Sec. 27. On the last Tuesday in the month of March, in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting and watching each ward of the city; the amount of highway taxes and assessments; the amount of assessments for opening, paving, planking, repairing, and altering streets, and building and repairing bridges in each ward of the city; the amount borrowed on the credit of the city, and the terms on which the same was obtained; and such other information as shall be necessary to a full understanding of the financial concerns of the city.

Statement to be published.

Sec. 28. The said statement shall be signed by the mayor and recorder, and filed with the papers of the city and be published in some newspaper in the city, within ten days after the receipt of said statement.

How operation of ordinances suspended.

Sec. 29. No ordinance or resolution passed by the common council shall have any force or effect, if on the day of its passage or on the next day thereafter, the mayor or other officer legally discharging the duties of mayor, shall file in the office of the city recorder a notice in writing, suspending the immediate operation of such ordi-

nance or resolution. If the mayor, or other officer legally exercising the duties of mayor, shall, within three days after the passage of such ordinance or resolution, file in the office of the city recorder his reasons in writing why the same should not go into effect, the same shall not go into effect, nor have any legal operation unless it shall, at a subsequent meeting of the common council, be passed by a two-thirds vote of all the members of the common council then in office, exclusive of the mayor, and if so re-passed shall go into effect according to the terms thereof. If such reasons in writing shall not be filed with the recorder, as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been filed with the recorder; and no ordinance of the common council, for any of the purposes mentioned in this section, shall go into operation until after the expiration of ten days after its passage.

Sec. 30. It shall be the duty of the recorder to communicate to the common council, at its next meeting, any paper that may be filed with him pursuant to the last preceding section.

Sec. 31. The common council shall have power to make contracts for the performance of any work to be done, or any public improvement to be made in and for said city, except those expressly reserved to the wards.

Sec. 32. The council of the city shall have authority to permit any railroad company, or street railway company, to lay its track, and operate its road with steam locomotives, or other power, in or across the public streets, highways, or alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such track, or the operating of any such road, except upon such terms and conditions, provided such permission shall not effect the right or claim of any person for damages sustained in construction or the building of such railroad or street railway.

Sec. 33. The council shall have power to provide for and change the location and grade of street crossings of any railroad track, and to compel any railroad company or street railway company to raise or lower their railroad tracks, to conform to street grades which may be established by the city from time to time; and to construct crossings, in such a manner, and with such protection to persons crossing thereat as the council may require, and to keep them in repair; also to require and compel railroad companies using steam locomotives to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat; to regulate and prescribe the speed of all locomotives and railroad trains within the city; but such speed shall not be required to be less than four miles per hour; and to impose a fine of not less than five or more than fifty dollars upon the company, or upon any engineer or conductor violating any ordinance regulating the speed of trains.

Sec. 34. The council shall have power to require and compel any railroad company, and any street railway company, to make, keep

Reasons for sus-
pension filed.

Two-thirds vote.

Recorder to sub-
mit all commu-
nications to
council.

Council may
contract for
city, etc.

Council to reg-
ulate laying of
tracks, and run-
ning of trains by
railroad compa-
nies.

Establishing of
grades, etc.

Railroad cross-
ings to conform
to.

Flagmen.

Speed of run-
ning trains, etc.

Penalty.

Railroad companies to open, repair, etc., ditches, etc., and to fence tracks.

In case of neglect.

Poor.

Director of the poor.

New and additional bonds.

Lamp-posts.

City penitentiary.

Water-works.

open and in repair, such ditches, drains, sewers, and culverts along and under, or across their railroad tracks, as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct; and so that the natural drainage of adjacent property shall not be impeded; also to fence the side of any street to which said railroad may run parallel, and to repair any damage or injury which may have been done to such street by any such railroad company. If any such railroad company shall refuse or neglect to perform any such requirement, as provided in this or the preceding section, according to and in the manner directed by the common council of said city, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against such railroad company, in a civil action before any court having jurisdiction, or in case of any such refusal or neglect on the part of such company the city may take proceedings in a court of competent jurisdiction by mandamus to compel the performance thereof by such company.

Sec. 35. The council may make such provision as they shall deem expedient for the support and relief of poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of a director of the poor for the city, and may prescribe his duties and vest him with such authority as may be proper for the due exercise of his duties.

Sec. 36. The council may at any time require any officer, whether elected or appointed, to execute and file with the recorder of the city new official bonds, in the same or in such further sums, and with new or such further sureties as said council may deem requisite for the interest of the city. Any failure to comply with such requirement shall subject the officer to immediate removal by the council.

Sec. 37. The common council shall have power to erect lamp-posts, and assess the expense thereof on the particular property deemed by the common council to be benefited thereby, in the manner provided in this act.

Sec. 38. The common council of said city shall have power and authority, whenever they shall deem it expedient, to provide a city penitentiary, where all persons charged with, or convicted of offenses or misdemeanors against the charter, by-laws, or ordinances of said city, may be confined or imprisoned until discharged by authority of law; and the said common council shall appoint all officers necessary for said penitentiary, prescribe their powers and duties, regulate the time and manner such prisoners shall be kept at labor, and make all by-laws, ordinances, or orders concerning the good government and regulation of said penitentiary, and for the punishment of such prisoners as may refuse to work therein, as they may deem necessary and proper.

Sec. 39. The common council may establish and provide water-works for said city in the manner provided by "an act to authorize the introduction of water into and the construction or purchase of hydraulic works in the cities and villages of the State of Michigan,"

approved August fourth, eighteen hundred and seventy, and the acts amendatory thereof, or may authorize the formation of a company or companies for such purpose, as provided in chapter one hundred and twenty-eight of the compiled laws.

Sec. 40. The common council may erect and maintain a system of electric lighting for the streets and public places in said city, and for that purpose may purchase or lease machinery power and all necessary attachments and appurtenances to enable them to put and maintain the same in successful operation.

TITLE V.

DUTIES AND COMPENSATION OF OFFICERS.—THE MAYOR.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meeting of the council, and shall from time to time give the council information concerning the affairs of the city, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws relating to the city and the ordinances and regulations of the council are enforced.

Sec. 2. The mayor shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorders; and shall have the authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

Sec. 3. The mayor may remove any officer appointed by him at any time, and may suspend any policeman for neglect of duty. He shall have authority at all times to examine and inspect the books, records, and papers of any agent, employé, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

Sec. 4. In the absence or disability of the mayor, or of any vacancy in his office, the president *pro tempore* of the council shall perform the duties of mayor.

Sec. 5. The mayor shall countersign all orders for the payment of money out of the city treasury, after having ascertained from the minutes that it has been appropriated by the common council, and he shall make a record of all orders so countersigned, and shall perform such other duties as the common council shall by ordinance prescribe, and such other duties as are prescribed by this act.

ALDERMEN.

Sec. 6. The aldermen of the city shall be members of the council, and attend the meetings thereof, and act upon committees when thereunto appointed by the mayor or council. As conservators of the peace, they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. No alderman shall be elected or appointed to any other office in the city during the term for which he was elected as alderman.

RECORDER.

Duties of recorder.

Sec. 7. The recorder shall keep the corporate seal, and all the documents, official bonds, papers, files, and records of the city not by this act or ordinance of the city entrusted to some other officer, and give bonds for the faithful performance of his duties in such sums as the common council shall by ordinance direct to be deposited with the treasurer; he shall be clerk of the council, shall attend its meetings, record all its proceedings, ordinances, and resolutions, and shall countersign and register all licenses granted; he shall when required, make and certify, under the seal of the city, copies of the papers and records filed and kept in his office, and such copies shall be evidence in all places of the matters therein contained to the same extent as the original would be; he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city, and he shall have authority to administer oaths and affirmations. The recorder shall be entitled to a fee of fifty cents for each and every license issued by him, to be paid by the person obtaining the same.

Idem.

Sec. 8. The recorder shall be the general accountant of the city, and all claims against the city shall be filed with him for adjustment; after examination thereof, he shall report the same, with all accompanying vouchers and counter-claims of the city, and the true balance as found by him, to the council for allowance, and, when allowed, shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made. When any tax or money is to be levied, raised, or appropriated, the recorder shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised, or appropriated, and the amounts thereof to be credited to each fund.

Idem.

Sec. 9. The mayor and recorder shall exercise a general supervision over all officers charged in any manner with the receipt, collection, and disbursement of the city revenues, and over all the property and assets of the city; the recorder shall have charge of all books, vouchers, and documents relating to the accounts, contracts, debts, and revenues of the city; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the city in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping a separate account with each fund; when any fund has been exhausted the recorder shall immediately advise the council thereof.

Financial reports, etc.

Sec. 10. The recorder shall report to the council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and

shall perform such other duties, pertaining to his office, as the council may require, by resolution, or otherwise.

SEC. 11. The recorder shall be the sealer of weights and measures ^{Sealer of weights and measures} of the said city, and shall perform all the duties of township clerk, ^{weights and measures} so far as the same applies to the sealing of weights.

SEC. 12. The recorder shall publish at least once a week for ten ^{To publish ordinances, etc.} [two] consecutive weeks, in a newspaper printed in the city, all the ordinances of the common council, for the violation of which any penalty may be imposed. He may appoint a clerk or deputy, ^{Clerk, or deputy.} for whose acts he shall be responsible, but without cost to the city for his services.

CITY TREASURER.

SEC. 13. The city treasurer shall have the custody of all moneys, ^{Duties of}

bonds, mortgages, notes, leases, and evidences of value belonging to the city, and shall collect all taxes levied or assessed in the city, and for that purpose he shall give a bond to said city in such sum, and with such surety, or sureties, as the common council shall require and approve; and such treasurer shall also give to the treasurer of the county of Bay such further security as is or may hereafter be required by law of the several township treasurers of the several townships of this State. The said treasurer shall pay no money out of the treasury, except in pursuance and by authority of law, and on a warrant signed by the recorder, and countersigned by the mayor, which shall specify the purpose for which the amount thereof is to be paid, and the fund from which it is to be paid, and he shall keep an accurate account of, and be charged with, all taxes and moneys appropriated, raised, or received for each fund of the city; and shall keep a separate account for each fund, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which said warrant was issued, and having the name of such fund endorsed thereon by the mayor. For the purposes of ^{Collection and return of delinquent taxes.}

the collection and return of all taxes, and the return of property delinquent for the non-payment of taxes, and for the purpose of

suits for the collection of taxes, the said treasurer, on giving the bonds, or surety so required, shall possess all the powers, and perform all the duties of the several township treasurers of this State, as prescribed by law, and shall also perform such other duties, respecting the collection and return of taxes, as this act imposes.

SEC. 14. The treasurer shall render to the common council on the ^{Monthly report.} first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. The books and accounts of the treasurer shall at reasonable hours be open to the inspection of any taxpayer of said city; the treasurer shall exhibit to the common ^{Annual report,} council at the last regular meeting in the month of March a full and fair account of the receipts and expenditures after the date of his or the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found to be correct shall be filed and published.

Treasurer to
keep city funds
separate, and
not to use same
for private pur-
poses, etc.

SEC. 15. The city treasurer shall keep all moneys in his hands belonging to the city separate and distinct from his own moneys, and he is hereby prohibited from using, either directly or indirectly, the city moneys, warrants, or evidences of debt, or any of the school library funds in his custody or keeping for his own use or benefit, or that of any other person ; any violation of this section shall subject him to immediate removal from office by the common council, who are hereby authorized to declare the office vacant and to appoint his successor for the remainder of his term.

SUPERVISORS.

Supervisors to
be members of
county board.

SEC. 16. The several supervisors of said city shall be members of the board of supervisors of Bay county, and they shall select and return lists of jurors to the clerk of Bay county in the same time and manner as the like duty is required of supervisors of townships, and they shall perform as supervisors such other duties as by this act shall be required of them.

COMPTROLLER.

Controller, his
duties and
powers.

SEC. 17. The comptroller of said city shall have the same power and authority and shall perform the same duties as supervisors of townships, as far as the assessment of taxes, making, completing, and certifying to rolls, and attaching warrants, for collection of taxes thereto are concerned. He shall be a member of the board of supervisors of Bay county, and shall perform such other duties as by this act shall be required of him.

MARSHAL.

Duties and
powers of.

SEC. 18. The marshal of the city shall, before entering upon the discharge of the duties of his office, give such security for the faithful performance of his duties as the common council shall direct and require; and he shall be the chief of the police of the city. As police officer he shall be subject to the direction of the mayor and common council. It shall be his duty to see that all the ordinances and regulations of the council made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city, are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him in all proceedings for violation of ordinances of the city ; such process may be served anywhere within the State.

Idem.

SEC. 19. He shall suppress all riots, disturbances, and breaches of peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the city, and pursue and arrest any person fleeing from justice in any part of the State. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk in the streets, until they shall become sober.

SEC. 20. The marshal shall report in writing and on oath, to the ^{Monthly report.} council, at their first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month, also the number remaining in confinement for breaches of the ordinances of the city ; the amount of all fines and fees collected by him. All moneys collected or received by the mar- <sup>Payment of
shel, unless otherwise directed by this act, shall be paid into the city
treasury.</sup>

receipt therefor shall be filed with the recorder.

SEC. 21. The city marshal may collect and receive the same fees ^{Fees.} for services performed by him as are allowed to constables for like services ; but in no case shall such fees be charged to, or paid by the city.

CITY ATTORNEY.

SEC. 22. The city attorney, in addition to the other duties pre- ^{Duties of.} scribed in this act, shall be the legal adviser of the council and of all officers of the city, and shall act as the attorney and solicitor for the city in all legal proceedings in which the city is interested, and he shall prosecute for offenses against the ordinances of the city.

CITY SURVEYOR.

Sec. 23. The city surveyor shall have and exercise within the city <sup>Powers and
duties of</sup> the like powers and duties as are conferred by law upon county surveyors; and the like effect and validity shall be given to his official acts, surveys, and plats, as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams, and estimates, plans, and specifications required by the council or officers of the city, relating to the public improvements, buildings, grounds, and streets of the city, and he shall be authorized and required to superintend the public works.

STREET COMMISSIONERS.

Sec. 24. It shall be the duty of the street commissioner and his dep- ^{Duties of.} uty to perform or cause to be performed all such labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds, and parks within the respective wards, as the council shall direct to be done.

Sec. 25. He shall make a report to the council in writing, and on ^{Monthly report} oath, once in each month, or oftener, giving an exact statement of all ^{of} labor performed by him, or under his supervision, and the charges therefor, the amount of material used, and the expenses [expense] thereof, and the street or place where such material was used, or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding reports, and no payment for labor or services performed or for expenses incurred by him shall be made until reported on oath as aforesaid.

Sec. 26. The common council shall examine such report, and if <sup>Correction, pas-
sing and filing
of report.</sup> satisfied of its correctness and that the charges therein made are just and reasonable, they shall accept it and, order it filed by the recorder; but if they are satisfied that it is incorrect, or that the

charges therein are unreasonable, they shall alter the same as they think proper, and they shall allow such charges as they shall deem just and equitable; they shall then let such report lay upon the table one week, and if not withdrawn by the commissioner, by filing a notice in writing to that effect with the recorder in that time, they shall accept it and order it filed as corrected by them; when so filed, the recorder shall draw an order upon the highway fund of the ward or district for the amount.

CONSTABLES.

Powers, authority, and duties of

Sec. 27. The constables of the city shall have the like powers and authority in matters of civil and criminal nature and in relation to the service of all manner of criminal process as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of the ordinances of the city. They shall obey all lawful orders of the mayor, aldermen, and marshal, and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution, or regulation of the council, and for any neglect or refusal to perform any duty required of him every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable, before entering upon the duties of his office, shall give such security for the performance of the duties of his office as is required of constables in townships, or as may be required by the council, and file the same with the recorder.

JUSTICES OF THE PEACE.

Oath, jurisdiction of, etc.

Sec. 28. The justices of the peace of said city shall file their oaths of office in the office of the clerk of the county of Bay, and shall have in addition to the jurisdiction conferred by this act on them the same jurisdiction, powers, and duties conferred on justices of the peace in townships, and shall have such jurisdiction to hear, try, and determine all actions arising within said city for the recovery of the possession of lands under the provisions of chapter two hundred and eleven of the compiled laws and the acts amendatory thereto as is conferred upon justices of the peace of townships to hear, try, and determine cases arising within townships under said chapter of the compiled laws and the said amendatory acts.

Bond to the city.

Sec. 29. In addition to the security now required by law to be given by justices of the peace, each of the justices of the peace shall, before entering upon the duties of his office, execute a bond in [to] the city of West Bay City, with one or more sufficient sureties, to be approved by the common council of said city, which approval shall be endorsed on said bond, in the penalty of five hundred dollars, conditioned for the faithful performance of his duties as a police justice of said city, and to pay over the moneys so collected, and make his report as in this act required.

Offices of.

Sec. 30. It shall be the duty of the justices of the peace of said city to keep their offices in said city, and attend to all complaints

of a criminal nature which may properly come before them, and fees. they shall receive for their services when engaged in cases for the violation of the ordinances of said city, such fees as the common council shall by ordinance prescribe: *Provided*, They shall not exceed in amounts justices' fees in townships for similar services.

Sec. 31. All fines, penalties, or forfeitures recovered before any of said justices for violation of any city ordinances, shall, when collected, be paid into the city treasury; and each of said justices shall report on oath to the common council, at the first regular meeting thereof in each month, during the term for which he shall perform the duties of such justice, the number and name of every person against whom judgment shall have been rendered for such fine, penalty, or forfeiture, and all moneys by him received for and on account thereof, which moneys so received, or which may be in his hands, collected on such fine, penalty, or forfeiture, shall be paid into said city treasury on the first Monday of each and every month during the time such justice shall exercise the duties of said office; and for any neglect in this particular he may be suspended or removed, as hereinafter provided.

Sec. 32. It shall be the duty of each justice of the peace, at the first regular meeting of the common council, in each of the months of August, November, February, and May, in every year, to account on oath, before the common council, for all such moneys, goods, wares, and merchandise, seized as stolen property, as shall then remain unclaimed in the office [offices] of either of said justices of the peace, and immediately thereafter to give notice for four weeks, in one of the public newspapers printed in said city, to all persons interested or claiming such property: *Provided, always*, That if any goods, wares, merchandise, or chattels, of a perishable nature, or which shall be expensive to keep, shall at any time remain unclaimed in the offices of either of said justices, it shall be lawful for such justice to sell the same at public auction, at such time and after such notice as to him and the said common council shall seem proper.

Sec. 33. It shall be the duty of each of the justices of the peace aforesaid, who may recover or obtain possession of any stolen property, on his receiving satisfactory proof of property from the owner, to deliver such property to the owner thereof, on his paying all necessary and reasonable expenses, which may have been incurred in the recovering, preservation, or sustenance of such property, and the expenses of advertising the same, unless the attorney of the city, or the prosecuting attorney of the county of Bay, shall otherwise direct.

Sec. 34. It shall be the duty of each of the justices of the peace aforesaid, to cause all property unclaimed after the expiration of the notice specified in the last preceding section but one of this act, money excepted, to be sold at public auction to the highest bidder, unless the prosecuting attorney of the county of Bay shall direct that it shall remain unsold for a longer period, to be used as evidence in the administration of justice, and the proceeds thereof forthwith to pay to the treasurer of the said city, together with all money, if

any, which shall remain in his hands after such notice as aforesaid, first deducting the charges of said notice of sale.

To hear and determine offenses under ordinances, etc.

Sec. 35. The justices of the peace of said city shall have full power and authority, and it is hereby made the duty of any such justice, upon complaint to him in writing, on oath, to inquire into, and hear, try, and determine all offenses which shall be committed within said city against any of the by-laws or ordinances which shall be made by the common council, in pursuance of the powers granted by this act, and to punish the offenders as by said by-laws or ordinances shall be prescribed or directed; to award all process, take recognizances for the appearance of the person charged, and upon appeal, and to commit to prison, as occasion may require: *Provided*, That any person making said complaint, except city officers, shall give security for costs in the same manner as is required in criminal cases under the general laws of this State, which security shall have the same force and effect, and judgment shall be rendered against said complainant and surety, and execution issued thereon, when the justice shall be satisfied that there was not reasonable cause for making said complaint.

Security for costs.

Warrant issued by, to whom directed, etc.

Sec. 36. Whenever any person shall be charged with having violated any ordinance of the common council by which the offender is liable to imprisonment, any of the justices of the peace of said city to whom complaint shall be made in writing and on oath, shall issue a warrant directed to the marshal of the city of West Bay City, or to the sheriff or any constable of the county of Bay, commanding him forthwith to bring the body of such person before him, to be dealt with according to law; and the marshal or other officer to whom said warrant shall be delivered for service, is hereby required to execute the same in any part of this State where such offender may be found, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process.

Justices to be subject to general laws of State.

Appeals, etc.

Sec. 37. The justices of the peace in the said city exercising civil jurisdiction shall be deemed justices of the peace of the county of Bay, and shall be subject to the general laws of the State in relation to civil cases before justices of the peace, and appeals from their judgment may be made to the circuit court for the county of Bay in the same manner as appeals from justices' judgments in towns are made, except as herein otherwise provided.

Sec. 38. The justices of the peace of said city shall have all the authority of justices of the peace in towns in criminal matters, and shall have all the authority and perform all the duties hereinbefore provided and required of them, and shall hold a court daily if necessary.

To have authority of justices of peace in towns, etc.

When to enter upon duties.

Sec. 39. The justices of the peace of said city shall enter upon the duties of their offices at the same time and shall qualify in like manner, except as herein otherwise provided, as justices of the peace of townships.

SCHOOL INSPECTORS.

Sec. 40. The school inspectors of the city shall perform such

duties in and for the city and for the public schools as are required School inspectors of school inspectors elected in townships so far as such duties are applicable or shall be required under this act.

MISCELLANEOUS OFFICERS.

Sec. 41. The sexton, fire wardens, common criers, pound masters, inspectors of firewood, and weigh masters shall perform such Security to be given by other officers. duties, and if required, shall file such securities as the common council shall by ordinance direct.

COMPENSATION OF OFFICERS.

Sec. 42. The common council shall annually determine the salary Salaries to be fixed by council. or compensation to be paid to the several officers of said city, subject to the limitations prescribed in this act. The salary or rate of compensation of any officer elected or appointed by authority of this act shall not be increased or diminished during his term of office.

Sec. 43. Compensation for the services of officers may be paid out of the city treasury in such sums as the common council shall allow: *Provided*, That the recorder shall not receive to exceed six hundred dollars annually, besides his pay as member of the board of supervisors; the city attorney not to exceed six hundred [dollars] annually, the comptroller not to exceed eight hundred dollars per annum, and the mayor and aldermen not to exceed one dollar each for each meeting of the common council which they may attend, and they shall receive no other pay, compensation, or allowance whatever. The marshal shall be entitled to receive the same fees for serving process in behalf of the corporation as constables are by law allowed for similar services, and he shall receive such further compensation as the common council shall allow, not exceeding six hundred dollars. The treasurer, justices of the peace, and constables shall be allowed the same fees as are by law allowed to corresponding township officers, unless in this act otherwise provided. The other officers that may be appointed by the common council may receive such compensation as the common council shall allow: *Provided*, That the harbor master shall not be allowed a compensation to exceed one hundred dollars per year and the street commissioner shall not be allowed a compensation to exceed two dollars and fifty cents per day for each day actually employed under the direction of the street committee.

POLICE.

Sec. 44. The council may provide by ordinance or otherwise for a police force and for the appointment by the mayor, by and with the consent of the council, of such number of policemen and night watchmen as they may think necessary for the good government of the city, and for the protection of [the] persons and property of the inhabitants, and may authorize the mayor to appoint special policemen from time to time, when in his judgment the emergency or necessity may so require, and may provide for and appoint subordinate officers for the police and night watchmen.

Sec. 45. The council may make and establish rules for the regu-

- Rules and regulation for government of.** lation and government of the police, prescribing and defining the duties of policemen and night watchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredations [depredation]. And the mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require, but such appointments unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days.
- Temporary police.**
- Marshal to be chief of.** SEC. 46. The city marshal, subject to the direction of the mayor and common council, shall, as chief of police, have the superintendency [superintendence] and direction of the policemen and night-watchmen, subject to such regulations as may be prescribed by the council.
- Powers and duties of policemen.** SEC. 47. It shall be the duty of the police and night-watchmen, and officers of the force, under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances, and breaches of the peace; and to pursue and arrest any person fleeing from justice, in any part of the State; to apprehend any and all persons in the act of committing any offense against the laws of the State, or the ordinances of the city, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaints to the proper officers and magistrates, of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the State; and at all times diligently and faithfully to enforce all such laws, ordinances, and regulations for the preservation of good order and the public welfare, as the council may ordain; and to serve all processes directed or delivered to them for service, and for such purposes the chief of police, and every policeman and night-watchman shall have all the powers of constables, and may arrest upon view without process, any person in the act of violating any ordinance of the city, or of committing any crime against the laws of the State. And the chief of police and any policeman may serve and execute all process in suits and proceedings for violations of the ordinances of the city: *Provided*, That nothing herein contained shall be construed to authorize the city marshal to serve any papers except those issued for violation of city ordinances.
- Proviso.**
- Suspension and removal.** SEC. 48. The mayor may suspend any policeman or night-watchman for neglect of duty, misconduct, or other sufficient cause, and the council may remove from office any policeman appointed thereto at any time.

TITLE VII.

PUBLIC HEALTH.

SECTION 1. The council of the city of West Bay City shall also have Council to have powers and duties conferred upon boards of health. and exercise within and for the city all the powers and authority conferred upon boards of health by chapter forty-six of compiled laws [of] eighteen hundred and seventy-one, so far as the same are applicable and consistent with this act, and may appoint a physician to be known as the city physician, and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

Sec. 2. The council, when deemed necessary, may establish a Council may establish board of health. board of health for the city, and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto, the board shall have and exercise all the powers and authority conferred on boards of health by the chapter of the compiled laws referred [to] in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule, or regulation made by the board of health or any officer thereof.

Sec. 3. The said board of health shall have power, and it shall be their duty, to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain, and examine, for that purpose, every person coming from any place infected, or believed to be infected, with such a disease; to establish, maintain, and regulate a pest-house or hospital at some place within the city, or not exceeding three miles beyond its bounds; to cause any person not being a resident of the city who shall be infected with any such disease to be sent to such pest-house or hospital; to remove from the city or destroy any furniture, wearing apparel, goods, wares, or merchandise, or other articles, or property of any kind which shall be suspected of being tainted or infected with any pestilence, or which shall be or likely to pass into such a state as to generate and propagate disease, after paying to the owner or owners thereof the full value in cash; to abate all nuisances of every description which are or may be injurious to the public health, in any way and in any manner they may deem expedient; and from time to time to do all acts, make all regulations, and pass all ordinances which they shall deem necessary or expedient for the preservation of health and the suppression of disease in the city, and to carry into effect and execute the powers hereby granted.

Sec. 4. The owner, driver, conductor, or person in charge of any stage-coach, railroad car, or other public conveyance which shall enter into the city, having on board any person sick of a malignant fever or pestilential or infectious disease, shall within two hours after the arrival of such person report in writing the fact with the name of such person and the house or place where he was put down in the city, to the mayor or some member of the board of health, and Duties of conductors, drivers, etc., in relation to infectious diseases, etc.

any and every neglect to comply with these provisions or any of them shall be a misdemeanor punishable with fine and imprisonment.

Penalty for bringing tainted or infected property into city.

Sec. 5. Any person who shall knowingly bring or procure or cause to be brought into the city any property of any kind tainted or infected with any malignant fever or pestilential or infectious disease shall be guilty of misdemeanor punishable by fine and imprisonment.

Duties of inn keepers, etc., in reference to infectious diseases, etc.

Sec. 6. Every keeper of an inn, or boarding house, or lodging house in the city, who shall knowingly have in his house at any time any traveler, boatman, or sailor sick with any infectious or pestilential disease, shall report the fact and the name of the person in writing within six hours after he came to the house or was taken sick therein to the mayor or some officer or member of the board of health. Every physician in the city shall report under his hand to one of the officers above named, the name, residence, and disease of every patient whom he shall have sick of any infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of this section or of any part of either of them shall be a misdemeanor punishable by fine and imprisonment, the fine not to exceed one hundred dollars nor the imprisonment six months.

Removal of dangerous structures, etc.

Sec. 7. Whenever in the opinion of the common council any building, fence, or other erection of any kind or any part thereof is liable to fall down, and persons or property may thereby be endangered, they may order any owner or occupant of the premises on which such building, fence, or other erection stands to take down the same or any part thereof within a reasonable time, to be fixed by the order, or immediately, as the case may require, and in case the order is not complied with, cause the same to be taken down at the expense of the city on account of the owner of the premises, and assess the expense on the land on which it stood. The order if not immediate in its terms may be served on any occupant of the premises or be published in a city paper, as the common council shall direct.

Clerk of board of health.

Sec. 8. The said board of health shall have power to appoint a clerk, whose duty it shall be to attend the meetings thereof and keep a record of its proceedings, and such record or a duly certified copy of the same or any part thereof shall be *prima facie* evidence of the facts therein contained, in any court or before any officer. The compensation of the clerk of said board of health shall be fixed by said board of health by and with the consent of the common council, and such compensation shall be paid in the same manner as the other expenses of said board.

Compensation of.

Sec. 9. The members of such board of health and physicians reporting diseases dangerous to public health shall receive such compensation for their services as the common council shall deem reasonable, to be paid from the general contingent fund of said city.

Compensation of members of board, etc.

Sec. 10. All fines imposed under this title shall belong to the city, and when collected shall be paid into the city treasury, and be devoted to the maintenance and support of the pest-house, or of any hospital that may hereafter be established by the city.

Disposition of fines, etc., imposed under this act.

TITLE VIII.

CEMETERIES.

SECTION 1. The city may acquire, hold, and own such cemetery or ^{Acquisition of} public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants. The common council may prohibit the interment of the dead ^{Regulation of interment.} within the city, or may limit such interments therein to such cemetery or burial place as they may prescribe; and the council may cause any bodies buried within the city, in violation of any rule or ordinance made in respect of such burials, to be taken and buried elsewhere. The council may also prescribe the time and manner of removing any bodies from any cemetery within the city, or from any cemetery grounds owned by the city without the city limits. In ^{Removal of bodies.} case the council desire to vacate any cemetery grounds belonging to the city within the city limits, they shall so declare by resolution, which resolution shall state the time limited for the removal of all bodies from said cemetery grounds, which shall not be less than two years nor more than five years from the passage of such resolution. In case of the neglect or refusal of any person or persons owning or occupying grounds in any such cemetery to remove the bodies interred on any such grounds, with the tombstones or other fixtures thereon, within the time limited by the resolution of the council herein specified, it shall be lawful for the common council to cause any and all such bodies, with the tombstones or other fixtures on or around any lot or lots from which the same is taken, to be removed to the cemetery grounds in use by the city within a reasonable time thereafter, at the expense of the city. The city shall become possessed of any and all lots or grounds in any cemetery vacated as ^{In case of neglect by owners of lots to remove bodies.} herein prescribed, by paying a reasonable sum to the owner or owners for the property so taken, which sum shall be determined, and the amount paid, in the manner prescribed in this act for taking private property for public use. As an offset to any such sum so allowed, in cases where bodies have been removed by the city, the council may charge the price of the lot in the new cemetery to which any such bodies shall be removed, and pay the balance in money: *Provided*, The price charged for any such lot shall be the ^{Proviso.} regular schedule price thereof, as fixed by the cemetery trustees or common council: *And provided, further*, That the lots in the new ^{Further proviso.} cemetery to which any such bodies shall be removed shall be covered by quit-claim deed to the persons legally entitled to demand or claim the same, whenever applied for, and the officers of the city whose duty it is to execute such deeds shall be satisfied that they are making conveyance [conveyances] to those legally entitled to claim title to such lands.

SEC. 2. When the dead shall be fully removed from any cemetery ^{When cemetery grounds sold, proceeds, how appropriated.} grounds owned by said city, it shall be lawful for the common council to sell and convey said grounds, and the money received from the sale thereof shall be set aside by said common council as a sinking fund, to be applied in the payment of the debt created against

said city in the purchase and adornment of any new cemetery grounds, and in the event of the payment of said bonds by said city before the sale of any such cemetery grounds, the common council shall determine how such moneys shall be disposed of.

Council may raise money for cemetery.

SEC. 3. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection, and care of any cemetery owned by the city.

Board of cemetery trustees.

Term of office of.

SEC. 4. The common council may appoint three trustees on the third Monday in April, eighteen hundred and eighty-three, or as soon thereafter as may be, who shall be electors in the city, and who, with the recorder, shall constitute a "board of cemetery trustees." The three trustees so appointed shall hold their office [offices] for the term of one year from the first Monday in May, eighteen hundred and eighty-three, and annually thereafter three trustees shall be appointed. The council may remove any trustee so appointed for inattention to his duties, want of proper judgment, skill, or taste for the proper discharge of the duties required of him, or other good cause. The three trustees shall receive as full compensation the sum of not exceeding fifteen dollars each, in the discretion of the common council, per annum. The recorder shall receive no additional salary as clerk of this board.

Chairman and clerk of board.

Powers and duties of board.

Board to superintend improvements, etc.

To fix price of lots.

To direct labor and enforce ordinances in reference to.

Cemetery fund.

SEC. 5. The board of cemetery trustees shall appoint one of their number chairman, and the recorder shall be clerk of the board. And the council may, by ordinance, invest the board with such powers and authority as may be necessary for the care, management, and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof; and in addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe.

SEC. 6. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out into lots, avenues, and walks; the lots to be numbered, and the avenues and walks to be named; and plats thereof to be made and recorded in the office of the recorder. The board shall fix the price of lots and make the sales thereof. The conveyance [conveyances] of such lots shall be executed on behalf of the city by the recorder, and be recorded in his office at the expense of the purchasers.

SEC. 7. Said board shall direct and control all labor performed in said cemetery; expend the money provided for the care and improvement of the grounds; enforce the ordinances of the city made for the management and care thereof; and make such rules and regulations for the burial of the dead, the care and protection of the grounds, monuments, and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city and the laws of the State.

SEC. 8. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, and consti-

tute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose except the purposes of such cemetery. The board of trustees shall report to the council annually on the second Monday in April, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source, and from whom; and the date, amount, items, and purpose of all expenditures and liabilities incurred, and to whom paid, and to whom incurred; and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

SEC. 9. The common council may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control or regulate any cemetery or burial place owned by the city, whether within or without the city limits, and the improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board of cemetery trustees.

SEC. 10. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place, within the city, belonging to or under the control of any church, religious society, corporation, company, or association, and for the protection and preservation of the tombs, monuments, and improvements thereof, and the appurtenances thereto.

TITLE IX.

MARKETS.

SECTION 1. The common council shall have the power to erect market houses, establish and regulate markets and market places for the sale of meats, fish, fruits, vegetables, and other provisions and articles necessary to the sustenance, convenience, and comfort of the inhabitants; to describe the time for opening and closing the same, the kind and description of articles which may be sold, and the stands and places to be occupied by the vendors.

SEC. 2. The common council may adopt and enforce such rules and regulations as may be necessary to prevent fraud and to preserve order in the markets; and may authorize the immediate seizure, arrest, and removal from the market, of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and the destruction of tainted or unsound meats or other provisions exposed for sale therein.

TITLE X.

PUBLIC BUILDINGS, GROUNDS, AND PARKS.

SECTION 1. The city may acquire, purchase, and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public build-

Board to report
to council.

Common coun-
cil may make
ordinances, etc.
in reference to.

Church ceme-
teries.

Erection and
regulation of
markets, etc.

Rules to pre-
vent fraud and
preserve order.

Acquisition,
erection, and use
of.

ings, and other purposes, necessary or convenient for the public good and the execution of the powers conferred in this act, and such buildings and grounds, or any part thereof, may be sold, leased, mortgaged, and disposed of as occasion may require.

Hospitals, work-houses, water-works, etc.

SEC. 2. When the common council shall deem it for the public interest, grounds and buildings for city prisons, work-houses, hospitals, pest-houses, cemeteries, water-works, and other necessary public uses, may be purchased, erected, and maintained beyond the corporate limits of the city, and in such cases the council shall have authority to enforce beyond the city limits, and over such lands, buildings, and property, in the same manner and to the same extent as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, work-houses, or hospitals.

Parks.

SEC. 3. The council shall have authority to lay out, establish, and enlarge, or vacate and discontinue public grounds and parks within the city, and to improve, light, and ornament the same, and to regulate the care thereof, and to protect the same and the appurtenances thereof from obstructions, encroachments, and injury, and from all nuisances.

TITLE XI.

SEWERS, DRAINS, AND WATER COURSES.

Establishment, construction, etc.

SECTION 1. The common council may establish, construct, and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city, and private property or the use thereof may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable such sewers and drains shall be constructed in the public streets and grounds.

Board of sewer commissioners.

SEC. 2. If the council shall deem it expedient they may establish a board of sewer commissioners for the city, consisting of not less than three nor more than five persons, to have the management of the sewers and the charge of their construction, and may by ordinance prescribe their powers, compensation, terms of office, and duties.

Plans for drainage.

SEC. 3. Whenever it may become necessary, in the opinion of the council, to provide sewerage and drainage for the city or any part thereof, it shall be their duty to devise or cause a plan of drainage to be devised for the whole city, or for such part thereof as they shall determine.

Main sewer districts.

SEC. 4. Such plan shall, in the discretion of the council, be formed with a view of the division of the city into main sewer districts, each to include one or more main or principal sewers with the necessary branches and connections, the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan, when adopted, shall be filed in the office of the recorder: *Provided, however,* That each ward

Proviso.

shall constitute a main sewer district, and each ward shall pay for all sewers constructed in such ward unless the benefits accruing to property would authorize a special assessment under the provisions of this act.

Sec. 5. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer, and such lands as in the opinion of the council will be benefited by the construction thereof. When deemed necessary special sewer districts to include one or more local or branch sewers and such lands as in the opinion of the council will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

Sec. 6. The council may, however, provide for main or trunk Trunk sewers. sewers without reference to sewer districts, diagrams or plats of which shall be recorded in the office of the recorder, in the book of sewer records.

Sec. 7. The cost and expenses of establishing and making any Payment for main or trunk sewers, constructed without reference to sewer sewers. districts, shall be paid out of the general sewer fund of the ward or wards in which such sewers are constructed, except as otherwise provided, as to benefits accruing from such sewers. Such part as the council shall determine, being not less than one-sixth of the cost and expense of any main district sewer, or of the cost of any lateral branch or local sewer, constructed within a special sewer district, shall be paid from the sewer fund of that ward, and the remainder of such costs and expenses shall be defrayed by special assessments upon all taxable lands and premises included within the main or special sewer districts [district] as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits, as aforesaid, shall be made without reference to any improvements or buildings upon the lands.

Sec. 8. Before proceeding to the construction of any district sewer, the council shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lands, lots, and subdivisions thereof in the district, and the proposed route and location of the sewer, and the depth, grade, and dimensions thereof, and shall procure an estimate of the cost thereof. And they shall give notice by publication for at least two weeks in some newspaper published in the city, if any be published there, and if not, in some paper published in Bay county, of the intention to construct such sewer, and where said diagram and plat may be found for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested, with respect to such sewer.

Sec. 9. When the council shall determine to construct any such district sewer they shall so declare by resolution, designating the district, and describing by reference to the plat and diagram thereof mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same reso-

- Apportionment of expenses.** lution what part of the estimated expenses of the sewer shall be paid from the general sewer fund of the ward or wards in which such sewer is constructed, and what part shall be defrayed by special assessment, according to benefits; and they shall cause such plat and diagram as adopted to be recorded in the office of the recorder in the book of sewer records.
- Record of plat.**
- Special assessments.** SEC. 10. Special assessments for the construction of sewers shall be made by the supervisors of the respective wards in the manner provided in this act for making special assessments, and shall be approved by the board of review, as provided in this act for the general assessment rolls of the city.
- Formation of district on petition.** SEC. 11. When the owners of a majority of the lands liable to taxation in any sewer district, or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location, and if the lands including the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.
- Connections with public sewers.** SEC. 12. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains with the public sewers and drains, under such rules and regulations as the council shall prescribe.
- Annual payment for connection with sewers.** SEC. 13. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.
- Special assessment for ditches.** SEC. 14. Such part of the expenses of providing ditches and improving water courses as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits.
- Expense of repairing, etc.** SEC. 15. The expenses of repairing public sewers, ditches, and water-courses may be paid from the general sewer fund of the ward or wards in which such sewers are constructed. The expenses of constructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.
- Construction of sewer in second ward.** SEC. 16. The common council are authorized to build and construct a sewer or drain at such point in the second ward of said city as they may determine, from the bayou, so called, to the Saginaw river to drain the said bayou of all surface and running water therein as a sanitary measure, and to assess the expense thereof on the whole or such portion of the city as they may deem advisable, raising the tax therefor on the general tax rolls of said city, or such part thereof as the council may by resolution designate: *Provided*, That the expense thereof shall be assessed on the property benefited thereby.
- Proviso.** SEC. 17. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers,
- Protection and control of sewers.**

and to carry into effect the powers herein conferred in respect to drainage of the city, keeping in view the principle of keeping ward sewer funds separate.

TITLE XII.

STREETS AND PUBLIC IMPROVEMENTS.

SECTION 1. The common council shall be commissioners of highways for said city, and shall have the care and supervision of the highways, sidewalks, streets, bridges, lanes, alleys, parks, and public grounds therein, and it shall be their duty to give directions for the repairing, preserving, improving, cleansing, and securing of such highways, sidewalks, bridges, lanes, alleys, parks, and public grounds, and to cause the same to be repaired, cleansed, improved, and secured from time to time as may be necessary; to regulate the roads, streets, highways, lanes, parks, and alleys already laid out, or which may hereafter be laid out, and to alter such of them as they shall deem inconvenient, subject to the restrictions contained in this title; to cause such of the streets and highways in said city as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described, and recorded in the office of the recorder of said city, in the book of street records; and the recording of such highways, streets, lanes, alleys, or public grounds, so ascertained and described, or which shall hereafter be laid out and established by the said common council, and recorded in the book of street records, in the office of the recorder, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley, or public ground therein described; to divide said city from time to time, into so many highway districts as they shall deem expedient, by an ordinance or resolution entered in their minutes; to appoint and assign to each of such districts so many commissioners of streets as they shall from time to time deem proper: *Provided, however, That each ward shall constitute a highway district.*

SEC. 2. The council may regulate the use of the public highways, streets, avenues, and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stand for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay, and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use, or placing of signs, advertisements, banners, awnings, posts, and telegraph poles in or over the streets; to prohibit immoderate riding or driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings, and gatherings of crowds in the streets, as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese, and other domestic animals or fowls in the streets or elsewhere in the city, and to impose

Common council
to be commis-
sioners of high-
ways.

To have control
of repairing,
etc.

Record of
streets, etc.

Records to be
presumptive evi-
dence of exist-
ence, etc.

To divide city
into highway
districts.

Street commis-
sioners.

Proviso.

Use of high-
ways, etc.

Stands for
vehicles.

Sale of hay,
wood, etc.

Signs, awnings,
etc.

Immoderate
driving.

Gatherings of
crowds.

Running at
large of horses,
cattle, swine,
etc.

Dogs.	penalties upon the owners or keepers thereof permitting the same, and to require and authorize the destruction of dogs found at large contrary to the ordinances of the city; to cleanse and purify the streets; and to prohibit, prevent, remove, and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon highway commissioners in townships, and to regulate and establish the line upon which buildings may be erected upon any street, lane, or alley in said city, and to compel such buildings to be erected upon such line.
Arches, bridges, etc.	Sec. 3. The common council shall have power to cause arches and bridges, wells and pumps, and reservoirs to be built in any part of the city ; to grade, gravel, raise, level, repair, amend, pave, or cover with broken or pounded stone, plank, or other material any street, lane, alley, highway, public grounds, cross-walks, or sidewalks, and to provide for the planting and protecting of shade trees along the sides of the streets and public grounds in said city ; to cause any lots, blocks, or land within said city, on which or any part of which water shall stand and become stagnant, to be raised, filled up, or drained, and whenever the common council shall order any of the improvements that are mentioned in this section, or any section of this title then such expenses of making any such improvement may be assessed and levied upon the lots, premises, and subdivisions thereof which are in front of or adjoining such streets, sidewalks, and other improvements that may be ordered by the common council, or upon the lots, blocks, or lands which may be in whole or in part filled up or drained; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying, and collecting any such tax, and may provide by ordinance for assessing such tax in the general assessment rolls of said wards, which tax shall be and remain a lien upon the land, and if not paid the land may be sold therefor in the same manner as provided for ordinary city taxes.
Assessing, levy- ing, and collect- ion of taxes for.	SEC. 4. Whenever the common council shall determine that the whole or any part of the expense of any public improvement shall be defrayed by an assessment on the owners or occupants of houses and lands to be benefited thereby, after ascertaining as they may think proper the estimated expense of such improvement, they shall declare by an entry in their minutes whether the whole or what portion thereof shall be assessed to such owners and occupants, specifying the sum to be assessed and the portion of the city which they deem to be benefited by such improvement ; the costs and expenses of making the estimates, plans, and assessments incidental thereto shall be included in the estimated expenses of such improvement.
When expense of improvement to be paid by assessment, etc.	

Sec. 5. The comptroller shall thereupon make an assessment upon all the owners or occupants of lands and houses within the portion of the city so designated, of the amount of expense in proportion as nearly as may be to the advantage which each shall be deemed to acquire by the making of such improvements, and shall make out an assessment roll in which shall be entered the names of persons and the description of the property assessed, and the amount assessed to each person respectively, and in case any lots or parcels of real estate shall belong to a non-resident, or the owner or owners are unknown, the same shall be entered accordingly, with a description of such lots or premises, as is required by law in assessment rolls made by supervisors of townships, with the amount assessed thereon, which assessment roll shall be subscribed by him and returned within thirty days to the common council of said city, unless such time be extended by resolution of said common council.

Sec. 6. Upon such return being made and filed, the comptroller of the city shall cause notice to be published in a newspaper of the said city, for at least ten days, giving a general description of the section or the portion of the city determined by the common council to be benefited by such improvement, and that said common council will, at a time and place to be designated in said notice, meet and review said assessment roll.

Sec. 7. At the day appointed for that purpose, and such other days as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessment and may rectify and amend the said assessment list in whole or in part, or may set the same aside and direct a new assessment, either by the same person or by such other person as the common council shall appoint for that purpose; and in such case the same proceedings shall be had as are herein provided upon the first order of the assessment; or the said common council may ratify and confirm such assessment without any corrections, or with such corrections therein as they may think proper.

Sec. 8. Every assessment so ratified and confirmed by the common council as aforesaid shall be final and conclusive. Within ten days after such assessment shall have been so ratified, the comptroller shall affix to such assessment and tax roll his warrant for the collection thereof, which warrant shall direct the treasurer to collect the same within sixty days, provided the common council may, by resolution, extend the roll and warrant from time to time not exceeding six months, and the said assessment and tax roll, with the warrant of the comptroller annexed, shall be delivered to said treasurer within the ten days aforesaid, who shall thereupon be authorized to levy and collect the same by distress and sale of any personal property in possession of the person chargeable with such tax.

Sec. 9. When any special assessment for public, local, or other improvements, or for any other purpose authorized by this act, shall have been made, as in this act provided, and the tax roll for the same shall have been delivered to the treasurer for collection, the same shall be a lien upon the premises upon which the same was

*Assessment and
assessment roll.*

*Review of
assessment roll,
and notice of.*

*Review, correc-
tion, and confir-
mation of assess-
ment roll, etc.*

*When confirmed
to be final.*

warrant.

*Roll to be deliv-
ered to treas-
urer.*

Lien.

Collection of tax.

assessed, and the treasurer collecting such tax shall levy and collect the same of any personal property in the possession of that person chargeable with such tax, in the manner required by law, and in case sufficient personal property cannot be found whereon to levy and collect such tax, the treasurer shall, within ten days after the time prescribed by his said warrant for the collection thereof has expired, make a report upon oath to the recorder of the sums so remaining unpaid, which he was unable, for want of such personal property, to levy and collect of the same, together with the description of the premises assessed for such unpaid taxes; and the recorder, within ten days thereafter, shall in like manner notify the comptroller of the amount of such unpaid taxes, and the description of the premises assessed and chargeable with such tax, who shall assess such unpaid taxes on such premises in the city tax roll next thereafter to be made, together with interest at the rate of ten per cent per annum thereon, and such tax shall then be levied, collected, and returned, and the said premises may be sold for non-payment thereof, as provided by law for the non-payment of the ordinary city taxes.

Surplus refunded.

SEC. 10. If upon completion of any such improvement for which an assessment shall have been made, it shall appear that a greater amount has been assessed and collected than is necessary to defray the expenses thereof, the common council shall apportion such excess among the persons owning the property assessed, in proportion to the amount collected of each description of such property, and shall pay the same to the person or persons who paid such excess, on demand.

Additional assessment in case of deficiency.

SEC. 11. If it shall appear that a greater sum of money has been expended in the completion of such improvement than was estimated as aforesaid, the common council may direct the assessment of the deficiency on the owners and occupants of houses and lands benefited by such improvements, in the same manner as herein above directed, and the same proceedings in all respects shall be had thereon, as in the original assessment.

New assessment roll, in case of irregularity.

SEC. 12. Whenever any special assessment to defray the expense of any improvement shall, in the opinion of the common council, be invalid, said council may vacate and set the same aside; and when any such special assessment shall be so vacated, or shall be held invalid, by the judgment or decree of any court of competent jurisdiction, said council may from time to time, until a valid assessment is made, cause a new assessment to be made for the purpose for which the original assessment was made, and in the manner provided for making the original assessment; and whenever the tax or any part thereof assessed upon any lot or parcel of real estate by the original assessment, set aside or held invalid as aforesaid, has been paid, and shall not have been refunded, it shall be the duty of the treasurer to apply said payment upon the re-assessment on said lot or parcel of real estate and to make a minute thereof upon the new assessment roll, and such re-assessment shall, to the extent of such payment, be deemed paid and satisfied, after which no part of the amount paid on the original assessment shall be refunded unless the

amount paid as aforesaid exceeds the amount of the re-assessment, in which case the excess shall be refunded, and the person who paid the same shall be the person entitled to the amount to be refunded. All the provisions of this act making special assessments a lien upon the lots and parcels of real estate enforced therein, and also those relating to the collection of special assessments, shall apply to re-assessments. The provisions of this section shall apply to assessments heretofore made as well as those which shall hereafter be made.

Sec. 13. Whenever any special assessment shall not have been collected within the life of the warrant affixed to the assessment roll, and shall not have been vacated or held invalid, the comptroller may affix a new warrant to such assessment roll, extending the time for the collection of the same so long as the common council shall direct, not exceeding six months, and may continue to affix new warrants to such assessment roll, from time to time, under the directions of the common council, until the assessment is collected or returned.

Sec. 14. The common council is authorized to assess the lands of non-residents and unoccupied lands of said city their just proportion of the expenses of all improvements in said city in the same manner, and the amounts so assessed may be collected in the same manner as assessments for improvements on other lands, designating them as non-resident lands. It shall in all cases be the duty of the owner of every lot or parcel of land in said city, to keep the sidewalk adjoining his lot or piece of land in good repair, and also to remove and clear away all snow and ice and other obstructions from such sidewalk, and it shall be his duty to build sidewalks in front of or adjoining his premises. If any owner, after notice so to do shall have been posted on the premises, or otherwise given, served, or published, as the common council may direct by ordinance, resolution, or otherwise, shall fail or neglect so to do for such time, not less than twenty-four hours, as the common council, by a general or special ordinance, resolution, or otherwise, may fix, the common council may cause the same to be done at the expense of the ward in which such property is located, and may add such expense to the amount of general highway tax on such land in the next general assessment rolls of said city, and such amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and if not paid or collected, the land sold therefor, in the same manner as for general city taxes. All sidewalks built shall be made of the material and be constructed in the manner and of the width as the common council shall, by a general ordinance, resolution, or otherwise, direct.

Sec. 15. In all cases of special assessments for local improvements, no orders or warrants shall be issued that will in the aggregate exceed the expense of such improvement, and in no case shall orders be issued while the work is in progress to a greater amount than three-fourths of the expense made at the time of issuing the same, to be ascertained from the sworn estimates of the city

*Assessment of
non-resident
land.*

*Duties of own-
ers of lots in
reference to
sidewalks.*

*In case of neg-
lect of owner.*

*Material of
which sidewalks
built.*

*Issuing of
orders, etc., not
to exceed ex-
pense of im-
provement.*

engineer or other person employed by the common council for that purpose; and in case of any reassessment, the whole amount so reassessed shall not exceed the amount necessary to defray the expense of the improvement for which such reassessment is made, with the accumulated interest.

Responsibility of city not to attach until streets, etc., accepted by.

Sec. 16. But the city shall not be responsible for the care, improvement, or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands which had not been actually accepted, worked, and used by the public as a street or alley before the passage of this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after the passage of this act unless the dedication shall be accepted and confirmed by the council by an ordinance or resolution specially passed for that purpose.

Exemption from highway tax.

Sec. 17. The common council may provide by resolution or ordinance that lots and premises assessed for the paving of any street or public place shall be exempt from the payment of any highway tax thereon, except for the widening, repairing, or repaving of such pavement adjoining such lots or premises including street crossings; such exemption shall extend for such a period as the common council in such resolution or ordinance shall determine.

Resolution exempting declared valid.

Sec. 18. The resolution of the common council of such city heretofore passed exempting from highway tax such premises and lots as have paid pavement tax in the city is hereby declared valid and legal, and such property so paying pavement tax is hereby declared exempt from highway tax in said city except for the widening, repaving, or repairing of such pavement adjoining such lots or premises, including the street crossings.

TITLE XIII.

ASSESSMENT AND COLLECTION OF TAXES.

Assessment of property.

SECTION 1. The comptroller of said city, shall, in each year, make and complete an assessment of all the real and personal property within the city liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner as required by law for the assessment of property in the townships of the State; and in so doing he shall conform to the provisions of law governing the actions of supervisors of townships performing like services, and in all other respects he shall, unless otherwise in this act provided, conform to the provisions of law applicable to the action and duties of supervisors in townships in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof.

False claim of exemption.

Sec. 2. If any person residing in the city a part of the time during the year shall, in the opinion of the comptroller, unjustly or falsely claim exemption from taxation therein, on the ground that he or she has a residence and is taxed or liable to taxation elsewhere than in said city, the comptroller shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to

the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the treasurer or officer requiring payment of such tax a receipt duly signed and authenticated by the affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property for the same year to such other collector or receiver of taxes.

Sec. 3. The comptroller, mayor, and senior alderman of each ward shall constitute a board of review of assessments; the mayor shall be chairman of said board. On the third Monday in June, said board shall meet at the office of the recorder, and there proceed to review and correct the assessments made by the comptroller in the city, and for that purpose said board shall have the same powers and perform the same duties in all respects, except attaching warrants, as supervisors of townships have in reviewing and correcting the assessments made by them. Said board shall continue in session not less than three nor more than five days, for the purpose of completing such review, during the first three of which any person interested may be present and make appeals, and be heard. Notice of the time and place of the meeting of said board for the purpose aforesaid shall be given by the recorder by publication in a newspaper published in said city, if one be published there; and if not then in some paper published in Bay county, at least one week before the time for the review, and the said comptroller shall place his assessment roll in the hands of the recorder of said city on the Saturday next preceding such review day, for the use of such board of review, and after such review is completed the recorder shall deliver said assessment roll to the comptroller, to be used by him in making the copies which are required by this act.

Sec. 4. When the board shall have reviewed and corrected the assessment roll they shall, in addition to the certificate required to be made by the comptroller, add their own certificate to such roll, signed by at least a majority of them, showing that they have reviewed the roll. The board of review shall have authority to equalize, alter, amend, and correct any assessment or valuation, and to place upon the assessment roll any taxable property, real or personal, not already assessed, held, or owned by any person or persons, and to strike from said roll any property wrongfully thereon. The concurrence of a majority of the board shall be sufficient to decide any question in altering or correcting any assessment.

Sec. 5. When such assessment roll shall be completed the comptroller shall immediately proceed to make therefrom, and deliver within thirty days to the recorder, a full and complete copy of such assessment roll for the use of the common council.

Sec. 6. Whenever, in consequence of a defective description of any lands whereby the same cannot be sold for the city taxes of any year, the common council may cause such taxes to be re-assessed upon such lands with the next annual tax levy. It shall be the duty of the recorder to annually report to the common

*Notice of
meeting, etc.*

*Certificate of
board.*

*Further powers
of board.*

*Copy of assess-
ment roll for
use of council.*

*Re-assessment
in case of defec-
tive description.*

council such defective descriptions and assessments before the annual tax levy.

Tax roll.

Sec. 7. It shall be the duty of the comptroller under the direction of the common council, whenever the city assessment roll shall have been completed in each and every year, to assess the taxes that have been levied by the common council for the year upon the taxable property of the city, or any ward or locality thereof, according and in proportion to the individual and particular estimate and valuation, as specified in the assessment roll of the city for the year. Such assessment roll shall contain the taxes for the general funds of the city for the year, annexed to each valuation and carried out in a column thereof, and if there be other taxes assessed than for the said general funds, they shall be carried out in separate columns, and all special assessments required by the common council or the provisions of this act to be assessed in such roll against any description of land, shall be carried out in separate columns thereof, and the total amount of taxes and assessments shall be carried out in the last column of such roll. The comptroller of said city shall thereupon deliver to the city treasurer, on or before the second Monday in July, a copy of said assessment roll with his warrant attached thereto under his hand, with the seal of the city thereto attached, commanding said treasurer within sixty days from the date of said warrant to collect from the several persons named in said roll the several sums mentioned in the last column thereof, opposite their respective names and in addition thereto one per cent upon all sums paid for collecting expenses on or before a day specified in such warrant, and the further sum of three per cent additional on all such taxes remaining unpaid on that day; and also ten per cent interest per annum on such unpaid taxes, and it shall authorize the treasurer, in case any person shall neglect or refuse to pay his tax, and said collecting expenses and interest, if any, to levy the same by distress and sale of the goods and chattels of such person: *Provided*, Such warrant may be renewed by the common council from time to time, but not to exceed six months from the date of the original warrant.

When roll to be delivered to treasurer.

Sec. 8. The treasurer, upon receiving such tax roll, shall give notice to the tax-payers of said city that the assessment roll has been delivered to him, and that the taxes therein assessed can be paid to him at his office in said city at any time within thirty days after the giving of such notice, with the addition of one per cent for the collection thereof, which notice shall be given by publishing the same in a newspaper published in said city, if there be one; if not, then in some newspaper published in Bay county, and by posting the same in at least three public places in each of the wards of said city, and an affidavit or affidavits showing the publication and posting of said notices shall be filed in the office of the recorder of said city, and it shall be the duty of the treasurer, during said thirty days, to be at his office every Friday, from nine o'clock in the forenoon until five o'clock in the afternoon, to receive payment of said taxes: *Provided*, In case such treasurer is justly apprehensive of the loss of any personal tax he may collect the same by levy and

Proviso.

Notice to be given by treasurer upon receiving tax roll.

distress at any time under his warrant, or bring suit in the name of the city to recover the same, and in case of seizure of property or suit brought he may add four per cent for collection fees in addition to the other costs and charges connected with such levy or suit.

Sec. 9. The treasurer shall call upon each person whose taxes or assessments remain unpaid, if a resident of the city, at least once, and demand payment of the taxes and assessments charged to him upon said roll, and the percentage for the collection of the same, and in case of refusal or neglect to pay such taxes or assessments and collection percentage, the treasurer shall levy the same by distress and the sale of the goods and chattels of every such person, wherever found within the city, and may take any property that can be taken by township treasurers in the collection of taxes; he shall give notice of sale. the same notice and sell in the same manner as township treasurers are required to do in the collection of taxes, and any surplus shall be returned to the person in whose possession said property was when the distress was made; and the treasurer shall, within ten days after the time mentioned in his warrant for the collection of said unpaid taxes and assessments, return said tax roll into the office of the recorder, and in case any of the taxes or assessments mentioned in said tax roll shall remain unpaid and he shall be unable to collect the same, he shall make out a statement of the taxes and assessments remaining unpaid and due, with a full and perfect description of such premises from said roll, and shall attach thereto an affidavit that the sums mentioned in said statement remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such tax or assessment.

Sec. 10. Whenever the treasurer shall not be able to collect any tax or assessment on real or personal property, on account of the absence of the person so taxed, or for any other cause, the comptroller may, if directed by the common council, issue a new warrant to the treasurer for such tax or assessment; and thereupon such warrant shall be and remain in full force for the purposes of such collection as long as shall be directed by the common council, and the treasurer shall charge interest on all such taxes and assessments, at ten per cent per annum, after the expiration of sixty days from the time of delivering the tax roll to the treasurer until the day of collection; it shall also be lawful for the treasurer, in the name of the city, to sue the person or persons against whom such real or personal property tax or assessment was assessed, after the return of the assessment roll, before any court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of any such tax or assessment. Executions issued on judgments rendered for every such tax or assessment may be levied upon any property liable to be seized and sold under warrants issued for the collection of any city taxes; and the proceedings of any officer with such execution shall be the same in all respects as now directed by law. The production of any assessment roll on the trial of any action brought for the recovery of a tax or assess-

Demand by city
treasurer of
unpaid taxes.

Collection by
distress and
sale.

Notice of sale.

Return of roll,
and statement
of unpaid
taxes.

When new war-
rant may be
issued.

Suits for col-
lection of
taxes, etc.

Executions on
judgments.

Assessment roll
may be read in
evidence.

Prima facie evidence of legality.

ment therein assessed, may upon proof that it is the original assessment roll, or the assessment roll with the warrant annexed of the city, be read or used in evidence; and if it shall appear from said assessment roll that there is a tax or assessment therein assessed against the defendant in such suit, it shall be *prima facie* evidence of the legality of the assessment of the same; and the court before whom the cause may be pending shall proceed to enter judgment against the defendant, unless he shall make it appear that he has paid such tax; and no stay of execution shall be allowed on any such judgment.

Examination of return, and rejection of lands improperly described, etc.

Sec. 11. The recorder shall, immediately after receiving the said statement, proceed to examine such return, and he shall reject all lands therein which are improperly and inadequately described, and all lands therein more than once assessed, or which from any other reason are not properly assessed on said roll, and he shall make and deliver to the common council a list and statement of such rejected taxes, and the balance of said returned taxes and descriptions he shall transcribe into a book to be provided and kept for that purpose, and shall, under the direction of the common council, and in pursuance of the ordinances or resolution of said common council, proceed to sell at public sale so much of said lands so returned on account of the non-payment of taxes or assessments thereon as shall be necessary to satisfy the amount of taxes, assessments, interest, and charges, together with such amount as may be directed by the common council to cover the expenses of such sale, notice of which shall be given by publication in a newspaper published in said city, if one be published there, and if not, then in some newspaper published in Bay county, once in each week, for four successive weeks preceding such sale,

Sale of lands returned for non-payment of taxes.

and said recorder, on such sale, shall give to the purchaser or purchasers of any such lands a writing describing the lands purchased and the time when the purchaser will be entitled to a deed of the same, and in case a less amount than the whole of any such description shall be sold the part so sold shall be taken from the north side or end thereof, and shall be bounded on the south by a line running parallel with the northerly line thereof: *Provided*, That any purchaser at such sale shall at the time of such sale of any lands also purchase any title or interest said city may have for taxes of previous years on such land bid off by him at such sale; and the recorder of said city shall make no certificate of sale unless such interest of the city shall be also sold: *And provided*, That

Proviso.

Further proviso.

if any parcel of land cannot be sold to any person for the taxes, assessments, and charges, the recorder shall bid the same off to the city, and shall give a certificate to the city of such bid, which shall have like effect in all respects as if the same had been given to any other purchaser thereof. Upon the completion of the said sale the said recorder shall deliver to the treasurer a detailed statement of such sale, containing a description of the premises sold, the particular tax or assessment and amounts for which the same were sold, and the names of the purchasers, which shall be transcribed in a book to be provided for and kept by said treasurer,

and said recorder shall also pay to said treasurer at the same time all the money received upon said sales.

SEC. 12. Any person claiming any of the lands sold as aforesaid, or any interest therein may at any time within one year next succeeding the sale redeem any parcel of said lands or any part or interest in the same, by paying to the treasurer of said city the amount for which such parcel was sold, or such portion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of ten per cent per annum, which shall be paid to the purchaser, but in no case shall the interest be computed for less than three months from the day of sale; whereupon the treasurer shall issue to and deliver to the person making such payment a certificate of the redemption thereof, and he shall at the expiration of the year after the making of said sale deliver to the recorder of said city a statement of all the lands that have been redeemed as aforesaid, and the amounts paid for such redemption.

SEC. 13. All lands bid off for the city by the recorder of said city under and by virtue of any of the provisions of this act may after the time provided for the redemption of the same shall have expired be sold by the common council of said city for the best price or prices that can be obtained therefor: *Provided*, That no such parcel of land shall be sold for less than the amount for which the same was bid off by the said recorder, with interest thereon at ten per centum from the time the same was bid off as aforesaid, together with all legal costs and charges thereon. Said lands when so sold by said common council or by said city shall be conveyed to the person or persons purchasing the same by quit-claim deed, to be executed by the recorder of said city under the seal of said common council; which said deed when executed as aforesaid, and witnessed and acknowledged in the forms now provided by law for the witnessing and acknowledging of deeds of real estate, shall vest in the grantee therein named all the right, title, interest of said common council and of said city of West Bay City in and to the premises therein described, and shall be *prima facie* evidence of an estate in fee simple in said grantee, and to the legality and regularity of all the proceedings had or taken by said corporation in relation to said premises from the time of the valuation thereof to the date of said deed inclusive, and every such conveyance executed as aforesaid, and registered in the office of the recorder of deeds for Bay county may be given in evidence in all the courts of this State, and with like effect as other conveyances of real estate. All moneys received from the sale of any lands by virtue of the provisions of this section shall be placed to the credit of the proper fund.

SEC. 14. The comptroller shall each year make a copy of the city assessment, which roll he shall present to the board of supervisors of Bay county at their annual meeting in the month of October, which roll shall be and constitute the assessment roll for State, county, and school taxes in said city; such taxes shall be levied and collected, as near as may be, in the same manner as is provided by law for the assessment and collection of taxes in townships by township officers, and in case of the non-payment of such taxes, or any

Certificate of taxes to be levied to be delivered to comptroller.

Bond of city treasurer, and collection of State, county, and school taxes.

Common council may pass by-laws in reference to collection of taxes.

Tax to be valid notwithstanding irregularities, etc.

portion thereof, proceedings shall be taken for the return, sale, and redemption of real estate for non-payment of such taxes in conformity with the proceedings for the return, sale, and redemption of real estate in case of non-payment of taxes, as required by the laws of this State, in townships, except as is in this act otherwise provided. It shall be the duty of the clerk of the board of supervisors to deliver to the comptroller of said city, the certificate of taxes directed to be levied in the city by the board of supervisors of Bay county, at its annual session each year, pursuant to law; and said comptroller shall thereupon assess and levy the same on such roll, and when so levied and assessed said comptroller shall attach his warrant thereto in like manner as required by law to be attached in proceedings for the collection of such taxes in townships, and deliver the same to the treasurer of said city at the same time and in like manner as provided for the collection of taxes in townships.

SEC. 15. The city treasurer shall file like bonds, and upon receiving such roll shall proceed to collect the State, county, and school taxes in said city, and pay over the amount collected, except school taxes, to the county treasurer, and return to the county treasurer a statement of the taxes remaining unpaid and due, in the manner provided by law for township treasurers; and all the provisions of the laws of this State relating to the collection of taxes by township treasurers and to paying over the same to the county treasurer, or to the returning by township treasurers to the county treasurer of a statement of the taxes remaining unpaid and due, are hereby made applicable to the treasurer of said city, except as may be in this act otherwise provided, and the tax rolls for the years eighteen hundred and seventy-seven and eighteen hundred and seventy-eight are hereby legalized and declared as valid as if the supervisors had been authorized by law to make said rolls and extend the taxes thereon.

SEC. 16. The said council shall have power and authority to make and establish all by-laws, for the collection of taxes and assessments and every local, special, or general assessment or tax lawfully imposed by said common council on any lands, tenements, hereditaments, or premises whatever in said city, shall be and remain a lien on such lands, tenements, hereditaments, and premises from the time of imposing such tax or assessment until paid, and the owner or occupants or parties interested respectively in said real estate shall be liable on demand to pay every such tax and assessment to be levied as aforesaid.

SEC. 17. No tax assessed upon any property or sale therefor shall be held invalid on account of any irregularity in any assessment or on account of any assessment or tax roll not having been made or proceeding had within the time required by law, or on account of the property having been assessed without the name of the owner, or in the name of any person other than the owner, or on account of any other irregularity, informality, or omission, or want of any matter of form or substance in any proceeding that does not prejudice the rights of the person whose property is taxed; and all proceedings in assessing and levying taxes, and in the sale and con-

veyance therefor shall be presumed to be legal until the contrary is affirmatively shown. All records, statements, and certificates herein provided for shall be *prima facie* evidence of the facts therein set forth. The absence of any record of any proceeding, or the omission of any mention in any record of any vote or proceeding, or of mention of any matter in any statement or certificate that should appear therein under the provisions of any law of this State, shall not affect the validity of any proceeding, tax, or title depending thereon, provided the fact that such vote or proceeding was had or tax authorized is shown by any other record, statement, or certificate made evidence by the terms of this act or any other law of this State. No tax or sale of property for any tax shall be rendered or held invalid by showing that any record, statement, certificate, affidavit, paper, or return cannot be found in the proper office; and unless the contrary is affirmatively shown the presumption shall be that such record was made and such certificate, statement, affidavit, paper, or return was duly made and filed. Where any statement, certificate, or record is required to be made or signed by a school district board or a township board, such statement, certificate, or record may be made and signed by the members of such boards, or a majority thereof, and it shall not be necessary that other members be present when each signs the same. The provisions of this section shall not be construed to authorize any showing impeaching the validity of any deed executed by the auditor general under the provisions of this act, but such deeds shall be held absolute and conclusive as herein provided.

Sec. 18. In any suit or proceeding to enforce or set aside any tax ^{When tax illegal.} such tax shall be held illegal only for one of the following reasons:

First, That no law authorizes such tax;

Second, That the person or persons appointed to decide whether a tax shall be raised under a given law have acted without jurisdiction or have not imposed the tax in question;

Third, That the person or property assessed was exempt from the taxation in question or was not assessed;

Fourth, That the tax has been paid;

Fifth, That the comptroller or board of review in assessing a person or property for taxation, or in the apportionment of the tax to the person or property in question, acted fraudulently. If any such illegality, omission, or fraud affects the amount of the tax only, the tax shall be sustained so far as the same is just and legal.

Sec. 19. In prosecution or defense of any action or proceeding by any person holding or claiming land under any deed or deeds of lands purchased for delinquent taxes, the party so claiming under and by virtue of such purchase may show his title to said land and premises whether the same was derived under one or more purchases, and may give in evidence any and all deeds of conveyance or other evidence of such purchases as aforesaid which he may at any time have received, and may claim title under any or all of them.

Records, etc., to
be prima facie
evidence.

Tax deeds as
evidence of
title, etc.

TITLE XIV.

FINANCE AND TAXATION.

- Fiscal year.** SECTION 1. The fiscal year of the city shall commence on the second Monday in April in each year, unless otherwise provided by ordinance.
- Raising money by taxation.** SEC. 2. The common council of the city shall have authority, within the limitations herein prescribed, to raise annually by taxation within the corporation such sums of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers by this act granted.
- Division into funds.** SEC. 3. The revenues raised by general tax upon all the property in the city, or by loan to be repaid by tax, shall be divided into the following general funds :
- Contingent fund.** *First*, Contingent fund, to defray the contingent and other expenses of the city for the payment of which from some other fund no provision is made;
- Fire department fund.** *Second*, Fire department fund, to defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city ;
- Water fund.** *Third*, Water fund, for constructing reservoirs and cisterns, and providing other supplies of water, for constructing and maintaining water-works and extending water pipes;
- Public building fund.** *Fourth*, Public building fund, for providing parks and public buildings, and for the purchase of lands therefor, and for the erection, preservation, and repair of any such public buildings, city hall, offices, prisons, watch-houses, and hospitals as the council is authorized to erect and maintain, and not herein otherwise provided for;
- Police fund.** *Fifth*, Police fund, for the payment of the marshal of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city ;
- Cemetery fund.** *Sixth*, Cemetery fund;
- Interest and sinking fund.** *Seventh*, Interest and sinking fund, for the payment of the public debt of the city and the interest thereon ;
- Other funds.** *Eighth*, Such other funds as the common council may from time to time constitute.
- Ward and special funds.** SEC. 4. Revenues and moneys raised by taxation in wards and special districts of the city shall be divided into the following ward and special funds:
- Ward street fund.** *First*, A ward street fund, to defray the expenses of opening, widening, extending, and altering streets, alleys, and public grounds, for paving, curbing, graveling, and planking the intersections of public streets and alleys, and repairing the same, for cleaning public streets, alleys, and grounds, and for the construction and repair of crosswalks;
- Ward sewer fund.** *Second*, A ward sewer fund, to defray the expenses of sewers, drains, ditches, and drainage, and the improvement of water-courses within the respective wards ;
- Street district fund.** *Third*, A street district fund for each street district, for defraying the expenses of grading, improving, repairing, and working upon

the streets therein, and for the payment of all street expenses which the council shall charge upon the street district;

Fourth, Special assessment funds,—any money raised by special assessment levied in any special assessment districts or special sewer district to defray the expenses of any work, paving, improvement, or repair, or drainage therein, shall constitute a special fund for the purpose for which it was raised.

Sec. 5. It shall not be lawful for the common council, except as herein otherwise provided, to borrow any money, or authorize the creation of any additional liability or indebtedness against the city unless such liability or indebtedness shall have been authorized by the vote of a majority of those qualified electors who are tax-payers, voting in their respective wards, at a special city election, and such electors shall be notified of any proposition to be thus submitted to them, by the recorder, publishing a notice in pursuance of an order, or resolution of the common council, of the intention to thus submit such a proposition, in a newspaper published in said city, and posting three copies of said notice in three of the public places in each ward of said city. Said notice shall specify with particularity the amount proposed to be raised, and the fund or funds, or purposes for which it is proposed to raise money by incurring such liability or indebtedness, and it shall not be lawful to create any such liability or indebtedness in any one year, exceeding in the aggregate the amount of five per cent of the assessed valuation of the property in said city; nor shall it be lawful for the city ever to create an indebtedness, bonded or otherwise, which shall, with all outstanding indebtedness, exceed ten per cent of the assessed valuation of the property therein; and in case any sum or sums of money shall be borrowed by said common council, the same shall be paid out of the sums raised by tax for such year, if the payment thereof is not otherwise provided, and all sums of money borrowed by said city shall be applied to the purposes for which the same was borrowed, and for no other purpose whatever: *Provided, however,* That the common council or board of water works may incur indebtedness during the year of our Lord one thousand eight hundred and eighty-three to the amount of not exceeding twenty-five thousand dollars to erect buildings and water-works in said city to supply water to said city, and any contract heretofore made for that purpose is hereby declared legal and valid.

Sec. 6. It shall be the duty of the common council in each and every year, so long as the city shall remain in debt, to include in the taxes levied, not less than one-tenth of one per cent nor more than one-half of one per cent of the assessed valuation, to be used as a sinking fund, to reduce the indebtedness of the city, by the purchase of outstanding bonds and obligations as the common council shall determine.

Sec. 7. No money shall be drawn from the city treasury except school moneys, unless it shall have been previously appropriated to the purpose for which it shall have been drawn; and all ordinances, resolutions, and orders directing the payment of money shall specify the object and purposes of such payment, and the fund from

which it shall be paid, which shall be certified by the recorder and countersigned by the mayor, before the same shall be paid by the treasurer.

*Leming of bonds
and obligations
of indebtedness.*

SEC. 8. No bond, obligation, or evidence of indebtedness of said city shall ever be given or issued, nor shall any debt be contracted by said city, or by any officer thereof in his official capacity, whereby the said city shall become obligated to pay any sum of money, except as expressly provided in this act, or by an act of the legislature. Nor shall any order or warrant for the payment of money be drawn upon the treasury when there shall not be sufficient funds in the treasury to pay the same, except in payment of the necessary contingent expenses of the city, unless the same shall have been submitted to and voted for by the tax paying electors of said city in conformity to this act, or an act of the legislature: *Provided*, That in cases of special assessments, under the provisions of this act, orders or warrants may be drawn to the amount of the assessment made.

*No order, etc.,
to be drawn on
treasury, unless
there are suffi-
cient funds to
pay.*

SEC. 9. The common council may borrow temporarily, on the faith and credit of the city, a sum not exceeding the total amount of the return roll of uncollected taxes, for city and ward purposes for that year, and for such purpose may issue the bonds of the city, signed by the mayor and countersigned by the recorder, in such form and for such sums subject to the limitations herein contained, and the council shall direct, and such bonds shall be disposed of by the treasurer, under the direction of said council, upon such terms as they shall deem advisable, but not for less than par, and the avails thereof shall be applied to the purposes contemplated in the tax roll for that year, and for no other purpose whatever.

*Temporary loan
for special assess-
ment fund.*

SEC. 10. The common council shall also have power and authority to raise moneys by loan, in anticipation of the receipts from special assessments, for the purpose of defraying the costs of the improvement for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

*When bonds
made payable.*

SEC. 11. All sums of money so borrowed shall be made payable not later than one year from the first day of March, next succeeding the date of any such temporary loan, and the same shall be paid out of the sums raised by tax for such year, if the payment thereof be not otherwise provided.

*Ordinances for
assessment and
collection of
taxes, etc.*

SEC. 12. The common council shall have power and authority to make and establish all necessary by-laws for the assessment and collection of taxes, and every local, special, or general assessment, or tax lawfully imposed by said common council, on any lands, tenements, hereditaments, or premises whatever in said city. It shall be the duty of the common council, on the first Monday in May of each year, or as soon thereafter as practicable, to determine, by resolution to be termed the annual appropriation bill, the amount necessary to be raised by tax for the following general purposes in said city, viz.: For contingent expenses, fire department, the erection of public buildings or parks, and the purchase of lands therefor, cemetery, interest, and sinking fund, and for paying any

*Annual appro-
priation bill.*

liabilities which may have been incurred by said city. The common council may raise by tax to be levied upon the real and personal property within said city, such amounts so determined, not exceeding one per cent on the dollar, exclusive of interest on the bonded debt of the city and fire department taxes, on the assessed valuation of such real and personal estate, within the limits of the city, according to the valuation thereof, taken from the assessment roll of that year, which amounts, determined as aforesaid, shall be entered at large on the records: *Provided*, That by a five-sixth *Proviso*, vote of all the members elect of the common council, they shall have power to increase the aggregate to be raised to one and one-half per cent on the dollar of the assessed valuation of the city; and the common council, in addition to the other amounts herein authorized to be raised, shall determine the amount necessary to be collected in each ward respectively, for ward purposes, including expenses for sewerage and paving, not exceeding two per cent in any one ward, but all ward and highway taxes shall be passed to the credit of and expended in the ward in which they may be collected.

SEC. 13. The common council may designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment or other sum which they require to be levied or re-assessed with the next general tax as mentioned in this act, and the disposition to be made of such moneys; and may also in said bill, recommend any local improvements which they may deem advisable to make during the next fiscal year, to be paid in whole or in part, by special assessments, and the estimated cost thereof.

Council to designate amount to be levied to meet deficiencies.

TITLE XV.

OF PREVENTION AND EXTINGUISHMENT OF FIRES.

SECTION 1. For the purpose of guarding against [the] calamities of fire, the common council may from time to time, by ordinance, regulate the construction of wooden buildings, etc., designate such portions and parts of the city as they shall think proper, within which no buildings of wood shall be erected, and may direct and regulate the erection of buildings within such portions and parts, and the size and materials thereof, and the size of chimneys therein; and every person who shall violate such ordinances or regulations shall be liable to a fine or penalty in the sum of one hundred dollars; and every building erected contrary to such ordinance is hereby declared to be a common nuisance, and may be abated or removed by such common council.

SEC. 2. The common council may, by ordinance, require the owners and occupants of houses and other buildings to have scuttles on the roofs of such houses and buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other building for not complying with such ordinance the common council may, at the expiration of twenty days after such recovery, cause such scuttles and stairs or ladders to be constructed; and may recover

Scuttles on roof, and stairs to same.

the expense thereof, with ten per cent in addition, of the owner or occupant whose duty it was to comply with such ordinance.

Ashes, stove-pipes, chimneys, etc. SEC. 3. The common council may regulate and direct the construction of safe deposits for ashes, and may compel the cleaning of chimneys, flues, stove-pipes, and all other conductors of smoke; and upon the neglect of the owner or any occupant of any house, tenement, or building of any description having therein any chimneys, flues, stove-pipes, or other conductors of smoke to clean the same as shall have been directed by any ordinance, the common council may cause the same to be cleansed, and may collect the expense thereof, and ten per cent in addition, from the owner or occupant whose duty it was to have the same cleansed.

Inspection of houses, buildings, etc. SEC. 4. For the purpose of enforcing such regulations, the common council may authorize any of the officers of said city, and may appoint persons at all reasonable times, to enter into and examine all dwelling houses, buildings, and tenements of every description, and all lots, yards, and enclosures, and to cause such as are dangerous to be put into a safe condition; and may authorize such officers and persons to inspect all hearths, fire-places, stoves, pipes, flues, chimneys, or other conductors of smoke, or any apparatus or device in which fire may be used, or to which fire may be applied, and remove and make the same safe at the expense of the owners or occupants of the buildings in which the same may be, and to ascertain the number and condition of the fire buckets, and the situation of any building in respect to its exposure to fire, and whether scuttles and ladders thereto have been provided, and generally, with such powers and duties as the common council shall deem necessary, to guard the city from the calamities of fire.

Fire engines, engine houses, etc. SEC. 5. The common council may procure, own, build, erect, and keep in repair such and so many fire engines, with their hose and other apparatus, engine houses, ladders, fire hooks and fire buckets, and other implements and conveniences for the extinguishment of fires, and to prevent injuries by fire, and such and so many public cisterns, wells, and reservoirs of water as they from time to time shall judge necessary, and may maintain, establish, and regulate all such fire engine, hook and ladder, hose and bucket companies as may be deemed expedient, and may appoint from among the inhabitants of said city such number of men willing to accept as may be deemed proper and necessary to be employed as firemen; and every such company shall make their own by-laws and rules for the organization and government of the company, subject to the approval of the common council, and may enforce and collect such fines for non-attendance or neglect of duty of any of its members as may be provided by the by-laws and rules of the company; and it shall be the duty of every such company to keep the fire engine, hose, hook and ladders, and other instruments and implements in its charge in good and perfect repair; and it shall be the duty of each fire company to assemble once in each month, and as often as may be directed by the chief engineer, for the purpose of working and examining the fire engine and other implements in its charge, with a view of keeping the same in perfect order and repair,

Firemen and fire companies.

Duties of.

and upon any alarm and breaking out of any fire in said city, each fire company shall forthwith assemble at the place of such fire with the engines and other implements of the company, and be subject to the orders of the chief engineer, or other person for the time being lawfully acting as chief engineer of the fire department.

Sec. 6. The common council of said city shall annually, or as often as necessary, appoint a chief engineer, who shall have command of the whole fire department of the city, subject to the order of the common council, and also a first and second assistant engineer, either of whom may act as chief engineer in case of the absence or disability of the chief.

Sec. 7. The chief engineer, marshal, and any member of the common council may require the assistance of all bystanders in extinguishing any fire in said city, and in the removal, preservation, and protection of any property endangered thereby; and in case any bystander shall willfully neglect to comply with such requirements, he shall be punished as provided by the by-laws or ordinances of said city; and the common council are hereby authorized to make such by-laws and ordinances in relation thereto as they may deem necessary.

Sec. 8. Every person belonging to an organized fire company in said city, may obtain from the city recorder a certificate to that effect, which shall be evidence thereof; and the members of every such company, during their continuance as such, shall be exempt from serving on juries and from paying a poll tax in said city, and such certificate shall be evidence of the fact in all courts and places, on proof of the genuineness of such certificate.

Sec. 9. The common council may by ordinance direct the manner in which the bells of the city shall be tolled or rung in cases of fire or alarms of fire, and may impose penalties for ringing or tolling of such bells in such manner at any other time than during a fire or alarm of fire.

Sec. 10. The common council may provide suitable compensation for any injury that any fireman, hook-and-ladder-man, or tub and hose-man may receive in his person or property, in consequence of his exertions at any fire.

Sec. 11. The common council may by ordinance :

First, Prescribe the duties and powers of the engineers and wardens at fires and cases of alarms of fire, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires;

Second, Prescribe the powers and duties of the mayor and aldermen at such fires and cases of alarm; but in no case shall the mayor or any alderman control or direct the chief engineer or his assistant during any fire;

Third, Provide for the removal and keeping away from such fires of all idle, disorderly, or suspicious persons, and may confer powers for that purpose on the engineers, fire wardens, or officers of the city;

Fourth, To compel the marshal, constables, and watchmen of the city to be present at such fires, and to perform such duties as the said common council shall prescribe;

Authority to
command
assistance.

Exemptions of
firemen from
poll tax, juries,
etc.

Ringing of
bells for fires.

Compensation
for injuries to
firemen.

Engineers and
wardens.

Mayor and
aldermen.

Idle and
suspicious per-
sons.

Marshal, con-
stables, etc.

*Further powers
of council in
reference to,*

Fifth., Said common council shall have power to enact ordinances and by-laws, to carry into effect all the provisions of this title, and to provide suitable penalties for a violation thereof.

*Arrest for
refusal to obey
engineer, etc.*

SEC. 12. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor, or alderman, at any fire, it shall be lawful for the officer giving such order, to arrest or direct orally a constable, watchman, or any citizen to arrest such person and confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such officers or any of them, may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly

*Pulling down,
and destruction
of buildings.*

SEC. 13. Whenever any building in said city shall be on fire, it shall be the duty and be lawful for the chief engineer, with the consent of the mayor or any alderman, or any two aldermen, to order and direct such building or any other building which they may deem hazardous and likely to communicate fire to other buildings, or any part of such building, to be pulled down and destroyed, and no action shall be maintained against any person or against the said city therefor, but any person interested in any such building so destroyed or injured may, within three months thereafter, apply to the common council to assess and pay the damages he has sustained. At the expiration of three months, if any such application shall have been made in writing, the common council shall either pay to the said claimant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such agreement shall be effected, shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection, and payment of the same in the same manner as is provided by this act for the ascertainment, assessment, collection, and payment of damages sustained by the taking of lands for purposes of public improvement.

*Commissioners
to appraise, etc.*

SEC. 14. The commissioners appointed to appraise and assess the damages incurred by the said claimant by the pulling down or destruction of said building by the direction of the said officers of the city, as above provided, shall take into account the probability of the same having been destroyed or injured by fire if it had not been so pulled down or destroyed, and may report that no damage should be equitably allowed to such claimant. Whenever a report shall be made and finally confirmed in the said proceedings for appraising and assessing the damages, a compliance of the terms thereof by the common council shall be deemed a full satisfaction of all said damages of the said claimant.

Report of.

TITLE XVI.

PUBLIC SCHOOLS.

*School district
number one, of
the city of West
Bay City.*

SECTION 1. All the territory within the limits of the city of West Bay City included in sections fourteen, fifteen, and sixteen, and sections nine, ten, and fractional section eleven, of the township of Bangor, are hereby organized for school district purposes into a graded school district to be known and designated as school dis-

trict number one, of the city of West Bay City, and all the territory included within the limits of the east half of section seventeen, and all of section twenty, section twenty-one, and the north half of section twenty-nine, in the city of West Bay City, and sections seven, eight, the west half of section seventeen, and sections eighteen and nineteen, of the township of Bangor, are hereby organized for school district purposes into a graded school district, to be known and designated as school district number two of the city of West Bay City; and all [the] territory included within the limits of the city embraced in the south half of section twenty-nine, and the whole of section thirty-two, is hereby organized for school district purposes into a school district to be known and designated as school district number three of the city of West Bay City, and as such school districts, numbers one, two, and three, respectively, of the city of West Bay City, they are hereby made owners of all the property now owned by districts now numbered one, two, and three, respectively, of the city of West Bay City, and subject to all contracts made with and by said districts, respectively, and are hereby declared liable, respectively, for the payment of all bonds, notes, debts, and liabilities of said school districts number [numbers] one, two, and three, respectively, of said city, whose legal successors said school districts numbers one, two, and three, respectively, of the city of West Bay City, are declared to be, and the officers of said school districts numbers one, two, and three, respectively, of the city, are hereby declared to be and are hereby created the officers of said school districts numbers one, two, and three, respectively, of the city of West Bay City, and shall continue to hold their offices till the expiration of the terms for which they were elected as officers of said school districts numbers one, two, and three, respectively, of the city of West Bay City.

SEC. 2. The full amount of all the taxes to be levied for school purposes upon the taxable property of said school districts numbers one, two, and three, respectively, of the city of West Bay City, shall be certified by the officers or boards of trustees of said districts, respectively, to the supervisors of said township of Bangor, and the comptroller of said city, who shall each certify to the other the amount of taxable property in those parts of said districts lying in his township or city, and such comptroller and supervisor shall, respectively, ascertain the proportion of such taxes to be placed on their respective assessment rolls according to the amount of taxable property in such parts of such school districts, and the same shall be spread upon said assessment rolls accordingly.

SEC. 3. No trustee or officer of either of said school districts shall be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid under any act or ordinance of the board of school officers or trustees of which he is a member, nor be surety or bondsman on any contract or bond given to said board of school officers or trustees.

SEC. 4. All provisions of the general laws of this State relative to common and union or graded schools shall apply and be in force in ^{to apply} said city, except such as may be inconsistent with the provisions of

School district
number two, of
the city of West
Bay City.

School district
number three,
of the city of
West Bay City.

Property of, etc.

Officers con-
tinued.

Amount to be
raised by taxa-
tion for, to be
certified, etc.

No officer to be
interested in
contract.

General laws

this act or with the by-laws and ordinances of the board of school officers or trustees of either of said districts made under this act.

TITLE XVII.

MISCELLANEOUS PROVISIONS.

*Examination
and passing
upon sufficiency
of bonds, etc.*

SECTION 1. The common council, or the mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer of whom a bond or instrument in writing may be required under the provisions of this act, shall examine into the sufficiency of such sureties, and shall require them to submit to an examination under oath as to their property; such oath may be administered by the mayor or any alderman of said city. The deposition of the surety shall be reduced to writing, be signed by him, certified by the person taking the same, and annexed to and filed with the bond or instrument in writing to which it relates.

*Administering
of oaths.*

Sec. 2. The mayor or chairman of any committee or special committee of the common council, shall have power to administer an oath or take an affidavit in respect to any matter pending before the common council or such committee.

*False oath
perjury.*

Sec. 3. Any person who may be required to take any oath or affirmation under or by virtue of any provision of this act, who shall under such oath or affirmation in any statement, or affidavit, or otherwise, willfully swear falsely [as] to any material fact or matter, shall be guilty of perjury.

Double costs.

Sec. 4. If any suit shall be commenced against any person elected or appointed under this act to any office for any act done or omitted to be done under such election or appointment, or against any person having done any thing, or act by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law.

*Process and
service of,
against city.*

Sec. 5. All process issued against said city, shall run against said city, in the corporate name thereof, and such process shall be served by leaving a true and attested copy of such process with the mayor, or recorder of said city, at least twenty days before the day of appearance mentioned therein.

*Style of ordi-
nances.*

Sec. 6. The style of all ordinances shall be, "be it ordained by the city of West Bay City." All ordinances shall require for their passage the concurrence of a majority of all the aldermen elected.

*Penalty for
appropriation of
money and
property of cor-
poration.*

Sec. 7. If any officer of the corporation shall, directly or indirectly, and knowingly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever belonging to the corporation, or any board thereof, to his own use, or shall, directly or indirectly, and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property may have been appropriated, raised, or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted, tried, and convicted therefor, and, on conviction, may be punished by fine, not exceeding one thousand dollars, or by

imprisonment in the State prison, for [a] period not exceeding three years, or both, in the discretion of the court.

Sec. 8. The common council shall have power to contract with any bank, banks, banker, or bankers in said city, for the safe keeping of the public moneys belonging to, or in the custody of said city, and for the payment of interest thereon, at a rate not exceeding that established by law, upon such moneys of the corporation, or in its custody, deposited with such bank, banks, banker, or bankers, and to be drawn on account current from such bank, banks, banker, or bankers, by said city, or proper officer thereof, and such interest shall belong, and be credited to the contingent fund of said city. And the common council may, by ordinance, or otherwise, make such rules and regulations, and prescribe such conditions relative to the letting of said contract, and drawing upon said moneys so deposited, and the securities to be given by such bank, banks, banker, or bankers, for the moneys so deposited, as to said common council may seem just, and for the best interest and security of said city.

Sec. 9. All persons being habitual drunkards, destitute and without visible means of support, or who, being such habitual drunkards, shall abandon, neglect, or refuse to aid in the support of their families, being complained of by such families; all able-bodied and sturdy beggars, who shall apply for alms, or solicit charity; all persons wandering abroad, lodging in watch-houses, out-houses, market places, sheds, stables, or uninhabited dwellings, or in the open air, and not giving a good account of themselves; all common brawlers and disturbers of the public quiet; all persons wandering abroad and begging, or who go about from door to door, or place themselves in streets, highways, or passages, or other public places, or beg or receive alms within the said city, shall be deemed vagrants, and may, upon conviction before any justice of the peace of said city, be sentenced to confinement in the county jail, or city penitentiary, for any time not exceeding sixty days.

Sec. 10. No property, supplies, or other articles, of whatever name or nature, shall be purchased for, or in behalf of the city, unless ordered by a vote of the common council, or with the written consent of the mayor, or recorder; the recorder shall keep a record of all property purchased for the city, and shall charge the same to the officer, or department for whom the same was purchased, and receiving the same, and shall report annually, to the common council, on the last Monday in March, a detailed list, or statement of all such property, or supplies so purchased, and to whom delivered. It shall also be the duty of each and every officer, or employé of the city, to make a report annually, in writing, on the last Monday in March, of all property or effects in his hands belonging to the city, which several reports shall be referred to a committee of the council for examination. Any officer, or employé of the city, who shall fail, or neglect to make the report provided in this section, shall be deemed guilty of a misdemeanor, and may be prosecuted, tried, and convicted therefor, according to law.

Sec. 11. Any person arrested by virtue of any process issuing

*Council may con-
tract for deposit
of city funds,
etc.*

*Who shall be
deemed
vagrants.*

*Property, sup-
plies, etc., not to
be purchased,
unless by vote
of council.*

*Annual state-
ment of prop-
erty, etc., pur-
chased.*

*Report of offi-
cers, of property
on hand.*

Confinement of offenders in city penitentiary.

Proviso.

Further proviso.

How suits brought for violations of ordinances, etc.

Appeal when judgment rendered against city.

Execution for penalty, etc., to issue immedi-ately.

Penalties and forfeitures, how may be applied.

from any court of justice in said city, or by authority of any officer of said city, may be confined in the city penitentiary, in the same manner as prisoners are, or may be detained in the jail of Bay county; and any laws of this State prohibiting escapes, aiding prisoners to escape, or any other act detrimental to the safety of prisoners in a county jail, shall apply to said prison: *Provided*, That the common council, or mayor of said city, may, at any time, direct any or all such prisoners to be removed from said penitentiary to the jail of the county of Bay: *And provided also*, Such prisoners, or any of them, may, at any time, in the first instance, be confined in the said county jail, whenever the same may be deemed necessary by the common council; and the keeper of said jail, or penitentiary, shall be allowed such compensation for keeping and providing for prisoners confined therein, as the common council may determine to be just and reasonable, not exceeding the amount allowed by the supervisors of Bay county for county prisoners.

SEC. 12. All the suits which may be brought to recover any penalty or forfeiture for the violation of any ordinance of the common council, shall be brought in the name of the city of West Bay City, under the direction of the common council, or of the attorney of said city; and no person being an inhabitant, freeman, or freeholder of the said city, shall be disqualified for that cause from acting as a judge, justice, or juror in the trial or other proceeding, in any suit brought to recover a forfeiture or penalty for the violation of this provision of this act, or for the violation of any ordinance of the common council, nor for serving any process or summoning a jury in suit, or from acting in any such capacity, or being a witness on the trial of any issue, or upon taking or making any inquisition or assessment, or any judicial investigation of the facts, to which issue, inquest, or investigation the said city or ward officer is a party, or in which said city or officer is interested; nor shall any judge of any court be disqualified to hear and adjudicate on an appeal in any matter originating in said city because he is an inhabitant thereof.

SEC. 13. If any judgment in any action shall be rendered against the city by any justice of the peace, such judgment may be removed by appeal to the circuit court for the county of Bay, in the same manner and with the same effect as though the city were a natural person, except that no bond or recognizance to the adverse party shall be necessary to be executed by or on behalf of said city.

SEC. 14. Every execution for any penalty or forfeiture recovered for the violation of any provisions of this act, or for the violation of any by-law or ordinance of the said city, may be immediately issued on the rendition of the judgment, and shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the county jail or city penitentiary, for such time as shall have been directed by the ordinance of the common council.

SEC. 15. The common council may direct any moneys that may have been recovered for penalties or forfeitures to be applied to the payment of any extra expenses that may have been incurred in apprehending offenders, or in subpoenaing or defraying the expenses

of witnesses in any suits for such penalties or forfeitures, or in conducting such suits.

Sec. 16. The expenses of apprehending, examining, and committing offenders against any law of this State, in said city, and of their confinement, shall be audited, allowed, and paid by the supervisors of the county of Bay, in the same manner as if such expenses had been incurred in any town of the said county.

Sec. 17. All taxes now due, or which shall at the time of the passage of this act become due to the villages of Wenona and Banks, shall be considered as due to the city of West Bay City, and may be collected by the proper officers of said city in the manner provided in this act for the collection of city taxes, and property may be sold on such taxes, and deeds or transfers of title given in like manner as provided for in this act for the sale of personal property or real estate, and all property purchased for non-payment of said taxes by either of said villages is vested in said city, and the said city shall be the lawful successor of the said villages for all the purposes herein specified.

Sec. 18. The recorder of said city of West Bay City is hereby empowered, under the direction of the common council thereof, to issue tax deeds in the name and in behalf of the said city, for all certificates of sale of lands heretofore issued by either of the late villages of Banks or Wenona, by reason of the nonpayment of taxes due thereon and not having been paid to either of said late villages, and said deeds when issued are hereby declared to be valid for all purposes, as though they had been issued by the proper officer of either of said late villages; the proceeds of such sale, when collected, to be by said recorder credited to the proper fund of the respective wards.

Sec. 19. The corporation created by this act shall pay all the debts and obligations of the city of West Bay City, and all property, real and personal, choses in action and rights of all kind of said city, are hereby absolutely vested in the corporation created by this act.

Sec. 20. All suits instituted or commenced by or against the city of West Bay City, may be prosecuted to the end thereof for the benefit of the corporation formed by this act.

Sec. 21. This act shall not invalidate any legal act done by the council of the city of West Bay City or any officer of said city now or heretofore in office, and all ordinances, by-laws, and regulations, resolutions, and rules of the common council shall remain in force until altered, amended, or repealed by the common council, or by this act.

Sec. 22. After the incorporation of the city under and subject to the provisions of this act as aforesaid, the government and affairs of the former corporation shall continue and proceed as before, and all its members shall remain in office and exercise their powers and duties as such officers, except as herein otherwise provided, until the city officers and members of the council first elected under the new corporation, or a majority of them, shall enter upon the duties of their offices.

**First election
of officers.**

Sec. 23. The first election of officers for the new corporation shall be held on the first Monday in April next, and the election held and conducted, the votes canvassed, the result determined, and notice given to persons elected in the same manner and within the same time as in annual elections of the former city corporation, and by the same persons and officers whose duty it was to perform the like services under the old corporation.

Acts repealed.

Sec. 24. All acts and parts of acts inconsistent with this act are hereby repealed.

This act is ordered to take immediate effect.

Approved March 22, 1883.

[No. 242.]

AN ACT to incorporate the village of New Buffalo, in Berrien county.

**Territory incor.
porated.**

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country within the township of New Buffalo, in the county of Berrien, in the State of Michigan, known and described as follows, to-wit: The southeast quarter and the northeast fractional quarter of section nine, the west half and the northeast quarter, also the west half of the southeast quarter of section ten, and the west half of the northwest quarter of section eleven, in township eight south, of range twenty-one west, be and the same is hereby made and constituted a town corporate, by the name, style, and title of the village of New Buffalo.

**Election of
officers.**

SEC. 2. The electors of said village, qualified to vote at township elections, shall meet at the office of John V. Phillips, in said village, on the second Monday in April, one thousand eight hundred and eighty-three, and on the second Monday in March, annually thereafter, at such place within the limits of said corporation as shall be designated by the president and trustees of said village, and thereby by ballot shall elect by a plurality of votes, one person to be president of said village; three persons shall in like manner be elected trustees, who shall hold their offices for the term of one year, and three persons shall also be elected trustees who shall hold their offices for the term of two years; one person shall be elected recorder, who shall hold his office for the term of two years; one person shall be elected treasurer, one person shall be elected marshal, and one person shall be elected assessor, who shall hold their offices for the term of one year; and annually thereafter a president, treasurer, marshal, and assessor shall be elected, who shall hold their offices for one year, and three trustees shall be so elected, who shall hold their offices for two years, and biennially after said first election there shall be elected one recorder, who shall hold his office for the term of two years; but if an election shall not be made on the day when, pursuant to this act, it ought to be made, the corporation shall not for that cause be dissolved, the officers previously elected continuing and holding until an election shall be made, and it shall

President.

Trustees.

Recorder.

**Treasurer.
Marshal.
Assessor.**

**In case of
failure to elect
officers.**

be lawful to hold such election at any time thereafter, public notice being given as prescribed for holding general elections, by posting three printed or written notices in three of the most public places at least ten days previous to the day of holding such election. The president and trustees thus elected shall constitute a village board, a majority of whom shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president shall also be chief executive officer of said village; he shall preside at all meetings of the board, and shall have the casting vote in case of a tie on any question to be decided by said board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties, and in case of his absence or inability to serve, the trustees shall have power to elect from their own number a president *pro tem.* who shall, during the absence of the president or his inability to perform the duties pertaining to his office, have all the powers and perform all the duties of the president.

SEC. 3. It shall be the duty of John V. Phillips, for the first election under this act, and of the recorder for all subsequent elections, to give at least five days' notice of the time and place of holding such election, in the same manner as provided for holding a special election, and at all elections the polls shall be open between the hours of nine and ten o'clock in the forenoon of the same day, and continue open until four o'clock in the afternoon of said day and no longer: *Provided*, That the said polls may be closed for one hour from and after twelve o'clock, at noon of said day, and at the close of the polls the ballots shall be counted, and a true statement of the result thereof proclaimed to the electors present, and the recorder shall make a true record thereof, and within five days give notice to the persons elected, who shall enter upon the duties of their offices on the following Monday, and in case of a tie vote the choice shall be determined by lot.

SEC. 4. At the first election to be held under this act in said village, there shall be chosen by the qualified electors then present, from among their number, two judges and one clerk of said election, who together shall constitute the board of elections thereof, each of whom shall, before entering upon the duties of his office, take an oath before some person authorized to administer oaths, that he will faithfully and impartially perform the duties thereof. The said board shall conduct the said election and certify the result thereof, and at all subsequent elections the president and one or more trustees shall be judges of the election, and in case of the absence of the president, or his inability to serve, any two or more of the trustees shall be judges of the election, and the recorder of the village or his substitute shall be clerk of the election, all of whom shall take an oath, to be administered by either of the others, to faithfully and honestly discharge the duties of their respective offices, which said board shall have power to preserve the purity of the elections, and conduct the canvass thereafter in the same manner as township elections are conducted under the laws of this State.

Notice of elections.

President, his powers and duties.

President pro tem.

Notice of elections, by whom given.

Polls.

Counting ballots, etc.

Notice to persons elected.

Tie vote.

First board of election.

Board to certify result.

Judges of elections.

Officers to take oath of office.

SEC. 5. Each elective and appointed officer, before he enters upon the duties of his office, shall take and subscribe to an oath or affirmation, which may be administered by any trustee or other person authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully discharge the duties of his office according to the best of his ability, the record of which shall be entered on the book of records of the proceedings of said board by the recorder, who shall attend all meetings of the board, keep an accurate record of their proceedings and perform such other duties as may be assigned him by this act, and by the by-laws and ordinances of the village.

To be recorded.

Body politic and corporate.

SEC. 6. The president and trustees of said village shall be a body corporate and politic with the same powers as township boards, in addition to those granted by this act, under the name of the president and trustees of the village of New Buffalo, and may have a

Seal; may hold real estate, etc.

seal which they may alter at pleasure, and may purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended, in

Sue and be sued.

any court, but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president of the village at least eight days before the return day thereof: *Provided*, That in

Proviso.

case such summons can not for any reason be served upon the president, it may be served on any one of the trustees, and all processes shall read, to answer to the village of New Buffalo, or run

against the village of New Buffalo.

Board to establish rules and regulations for.

SEC. 7. The said board shall have power to ordain and establish by-laws, rules, and regulations, and the same to alter and repeal at pleasure, for the following purposes, viz.: For the preservation

The preservation of property.

and maintenance of the corporate property and public places and buildings of said village; to regulate the police thereof; to pre-

Police.

serve the public peace; to prevent riots, disturbances, and disorderly assemblages; to appoint watchmen and policemen, and organize a

Riot, etc.

fire department, and define their duties, and prescribe penalties for

Watchmen.

all delinquencies of their officers and appointees; to restrain, appre-

Tire department.

hend, and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the

Vagrants, etc.

streets, and all other public places; to suppress disorderly and

Gaming houses.

gaming houses, and all devices and instruments of gaming, and

Tavern and saloon keepers, etc.

shall have the exclusive power and authority to license such per-

Regulate the sale of liquors.

sons as tavern keepers, common victualers, and keepers of saloons,

Immoderately riding, etc.

as they shall think best, but no license shall be in force except

Nuisances.

during the life of the board granting it; to prevent the selling or

Incumbrances upon streets, etc.

giving away of spirituous or fermented liquors to drunkards,

Repair of streets, etc.

minors, or apprentices; to prevent and punish immoderate riding

shall be so kept, and that all obstructions to travel on any of the streets, lanes, alleys, or crossings shall be removed so as to admit of uninterrupted travel, and to keep in repair all bridges, crosswalks, and culverts that are within their jurisdiction and under their control, and which are open to public travel, and for that purpose ^{Levy of taxes for.} may levy an additional tax, not exceeding five mills on the dollar in any one year, to be used for that purpose and no other. And ^{Wharves, etc.} shall have power to establish, construct, maintain, and control public wharves, docks, piers, landing places, and levees, upon any lands or property belonging to or under the control of said village, including the land and property at the foot or end of all the streets and public highways in said corporation, and the council may lease wharfing, docking, and landing privileges upon any of the public wharves, docks, or landings, but not for a longer term than ten years, and in such manner as to preserve the right to all persons to a free passage over the same with their baggage. The council shall have authority also to require and cause all docks, wharves, and landing places, whether upon public grounds or upon the property of private individuals to be constructed and maintained in conformity with such grade as may be established therefor by the council, and to prescribe the line beyond which any such wharf, dock, or landing shall not be constructed or maintained. The council shall also have authority to prohibit the incumbering of the public wharves, landings, and docks, and to regulate the use of the same, and to prescribe the rates and charges for landing, wharfage, and dockage at all public wharves, docks, and landings, and to collect wharfage and dockage from boats, watercrafts, and floats landing at or using any public landing place, wharf, or dock within the said village.

SEC. 8. The village board or council shall have authority to provide by ordinance for ^{To preserve purity of water.} the preservation of the purity of the water of the harbor, and all other waters within the village, to control and regulate the anchorage, moorage, and management of all boats, watercraft and floats within the jurisdiction of said village, and may at their discretion appoint a harbor master who shall have ^{Harbor master; his powers and duties.} power, under the direction of the village board, to enforce the ordinances that may from time to time be enacted relative to said harbor, waters, and streams, the maintaining order therein and for the safety and convenience of all such boats, craft, vessels, and floats; and to regulate the opening and passage of bridges, and generally to enforce such ordinances and regulations, not inconsistent with the laws of the United States or this State, as in the opinion of the council shall be most conducive to the orderly, safe and convenient use and occupancy of the harbor, navigable waters, wharves, docks, piers, and landing places within the village; to compel the owners or occupants of lots to clean sidewalks in front of and adjacent thereto of dirt, mud, boxes, and every incumbrance or obstruction thereto; to regulate the storage of powder, lumber, or other combustible material; to prevent the use of firearms, slugshots, and other weapons and fireworks; to regulate the sale of hay, wood, lime, and lumber; to maintain and regulate pounds, and provide ^{Cleaning of streets, sidewalks, etc.} ^{Gunpowder, etc.} ^{Sale of hay, wood, etc.}

Pounds, animals, etc.	for the restraint of horses, cattle, sheep, swine, mules, and other animals, and geese and other poultry; to prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance; to construct hydraulic works to supply the village with water; to establish wells and cisterns, and prevent the waste of water; to borrow
Dogs.	
Water supply.	
Borrow money.	money for public improvements, not exceeding one thousand dollars in any one year; to purchase ground for and regulate cemeteries and the burial of the dead, and to provide for the return of bills of mortality, and to order the use for burial purposes of any burial ground or cemetery to be discontinued whenever they shall deem the same necessary for the best interest or health of the citizens; to ascertain, establish and settle the boundaries of all the streets and alleys, and to establish the grades of the streets and
Cemeteries, etc.	Establish boundaries and grades.
Establish boundaries and grades.	walks; to regulate the building of partition fences; to prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations relative to buildings deemed unsafe; to regulate the construction of smith's shops, planing establishments, bakeries, and all other buildings considered hazardous; to guard against fire; to regulate the duties, powers, and fees of the village officers; to prescribe the setting of posts and shade trees; to provide for the construction of sidewalks and repairing the same; grade the walks, streets, and alleys, and to prescribe the manner of planking or paving them, the cost and expenses of which to be paid by assessment on the lots in front of or adjoining which either or all of such improvements shall be made, but not otherwise, but none of said improvements shall be made unless the individuals owning one-half the property to be assessed for the same improvements shall petition the president and trustees for that purpose; to lay out new streets and alleys and extend those already laid out, under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying and collecting of highway and other taxes; to provide for the taking of a census whenever they shall see fit; to tax and regulate theaters, shows, and concerts; to regulate and tax, at their discretion, auctioneers, or auction sales, gift enterprises, hucksters, peddlers, and pawnbrokers; to rail and curb when necessary all walks at the expense of the owners of the adjoining lots; to levy taxes not exceeding one per cent upon the assessed valuation thereof, exclusive of school and highway taxes, on all personal and real estate within the limits of the village, except property belonging to the village, town, county, and State, excepting also places of public worship belonging to any church or congregation, and all grounds, buildings, and property used exclusively for educational purposes, or property owned by and used expressly for charitable purposes; to take the lands of any individual for the purpose of constructing, widening or extending streets and alleys, but not until said individual shall be paid the value thereof, and of all buildings upon said lands, and [all] damages he will sustain, as provided in this act. For the violation of any by-laws, rules, and regulations, such reasonable penalties and fines as may be imposed by the law itself, as the president and trustees may deem proper,
To regulate duties of officers, etc.	
Sidewalks.	
Paving.	
To lay out, extend, and vacate streets, etc.	
Taxes.	
Census.	
Shows, auctioneers, peddlers, etc.	
To levy taxes, etc.	
To take private property for public use.	
Penalties, etc.	

and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of New Buffalo, and any interest the inhabitants of the village of New Buffalo, as a corporate body or as citizens thereof, may have in the fine and penalty to be recovered, shall not disqualify them or any of them to try such cause, or serve as juror, or be a witness therein, and the circuit court for the county of Berrien shall also have jurisdiction over all fines and penalties imposed by said laws and by-laws.

SEC. 9. All taxes levied upon any real estate for general purposes, ^{Taxes to be a}
and all assessments made thereon for opening, widening, extending, paving, grading, planking, or repairing a street or alley, or making and repairing sidewalks shall remain a lien upon said estate until the same shall be paid.

SEC. 10. The president and trustees shall, at the expiration of ^{Annual financial report.}
each year immediately previous to the holding the general corporation election in said village, cause to be made out and published in some newspaper printed in said village, if there be any such, and if there be none such printed therein, then to be posted in the building or place where the election is being held, a true statement, exhibiting in detail all items of receipts and expenditures of the preceding year.

SEC. 11. No by-law or ordinance of said corporation shall have ^{By-laws, etc., to have no effect until publication, etc.}
any effect until the same shall have been published three weeks successively in a newspaper printed in said village, or by written or printed notices posted up in three of the most [public] places in said village, and entered at large on the records of said village, and an affidavit of such publication appended thereto by the publisher of the paper or some person having knowledge of the facts, or an affidavit appended thereto by the recorder of the posting of the same.

SEC. 12. It shall be the duty of the president and trustees, once in each year and immediately after the assessor has assessed the real and personal estate lying and being in said village, which assessment shall be made between the first and third Monday in May in each year, to estimate, apportion, and set down in a column left for that purpose, opposite to the several names of persons therein assessed, the respective sums in dollars and cents apportioned as a tax, together with a description of the real estate and the assessed valuation thereof, and the valuation of all personal property, also in a column by itself the highway and poll tax assessed to each individual, but not until they shall have given ten days' notice by publishing thereof of the time and place of reviewing said assessment roll under the supervision of the president and assessor, that any party deeming himself aggrieved may be heard, and the roll may then be altered if it shall be made to appear that any person has been wrongfully assessed, and then they shall cause said assessment roll or a copy thereof to be delivered to the marshal of said village with a warrant annexed to the same, under the hands and seals of said assessor and trustees, or a majority of them, directing and requiring him to collect from the several persons

named in said roll, the several sums mentioned therein, set opposite their respective names, as the tax or assessment and authorizing him to levy the same by distress and sale of his, her, or their goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, less his lawful fees, when collected, to the treasurer of said village by a certain day named therein, not less than forty nor more than ninety days from the date of said warrant, and said warrant may be renewed from time to time as the trustees may deem best, and when any such assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the yearly list, notice being given and a meeting being held for the review of said assessment as herein provided: *Provided*, That the warrant for the collection of the highway and poll taxes shall require the same to be collected as provided by law for the collection of highway taxes in townships.

In case of refusal or neglect to pay, marshal may collect by distress and sale, etc.

SEC. 13. If any person shall refuse or neglect to pay the sum or sums at which he shall be taxed or assessed as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving public notice thereof as required by law to be given by township treasurers, and in case the goods and chattels distressed shall be sold for more than the amount of tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand.

Sale of real estate for taxes.

SEC. 14. The tax upon real estate, with the assessments for the purpose named in the eighth section of this act, shall be put down in said assessment roll in a column by itself, and whenever any such tax or assessment and the interest thereon, computed at the rate of ten per centum per annum until paid, shall remain unpaid for one year from the date of the warrant to the marshal as aforesaid, the treasurer of said village shall cause so much of the land so charged with such taxes and assessment and interest, to be sold at public auction at some place in said village, in the notice for sale of the same mentioned, to the highest bidder, as shall be necessary to pay the taxes and assessments assessed against said land, together with the interest and all charges thereon, first giving at least seven weeks' notice of the time of such sale by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village once in each week for seven weeks, and an affidavit of such publication by the publisher of said paper in case of publication, or an affidavit of the recorder in case of posting notices aforesaid, duly recorded on the records of said village, shall be deemed *prima facie* evidence of such publishing or posting.

Notice to be given.

SEC. 15. On the day mentioned in said notice, the treasurer of the village shall commence the sale of said lands and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges thereon as aforesaid. The treasurer shall give to the purchaser or purchasers of any such lands, a certificate describing the

Manner of conducting sale.

Certificate of purchase.

lands purchased and the sums paid therefor, and the time when the purchaser will be entitled to a deed of said land; and unless within one year from the date of the sale thereof there shall be paid to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon at the rate of twenty per cent per annum, from the date of such certificate, the treasurer of said village, or his successor in office, shall at the expiration of said one year, execute to the purchaser, his heirs, and assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given an estate in fee simple, except it shall appear that the taxes have been paid thereon as herein before provided for, and also subject to all claims the State may have thereon, and the said conveyance shall be *prima facie* evidence that the sale and all things pertaining thereto was regular according to the provisions of this act, and every such conveyance executed by said treasurer, under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner of said land, and when duly recorded may be given in evidence in any court in this State.

SEC. 16. The treasurer of said village shall receive the same fees in cases of sale as aforesaid, and conduct the sale in like manner as provided by law for county treasurers, and the expenses of advertising any land for sale in pursuance of this act, shall by the treasurer be added to such taxes respectively, which shall not exceed one dollar exclusive of the interest on each parcel or description of land sold.

SEC. 17. No money shall be drawn from the treasury except by appropriation of the president and trustees, and orders directing the payment of any or all sums of money shall specify the fund from which it shall be paid, and shall be signed by the recorder and countersigned by the president, and it shall not be lawful for any orders to be drawn in excess of the amount appropriated in any particular fund, or until such appropriation shall actually have been made.

SEC. 18. No member of the board of trustees during his continuance in office shall become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act, and during the term for which he may be elected a member of said board, nor shall any member of said board be interested directly or indirectly in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

SEC. 19. All moneys assessed and raised for highway purposes shall be kept a fund separate and distinct from the general fund, and no money shall be appropriated or paid from such highway fund except for highway purposes.

SEC. 20. The president and trustees may and shall require of any of the officers appointed or elected under the provisions of this act such security, by bond, with good and sufficient surety or sureties,

*when deed
given, etc.*

*Prima facie evi-
dence of regu-
larity.*

*May be given in
evidence.*

*Fees of trea-
surer.*

*Expense of
sale.*

*How money
drawn from
treasury.*

*Trustees not to
become security
for officers, etc.*

*Highway mon-
eys to be kept a
separate fund.*

*Bonds of off-
cers.*

for the performance of the duties of their respective offices, as shall be thought expedient, which bond shall run to the president and trustees of the corporation and their successors in office, and suit may be brought for any breach of said bond as in other cases, before any justice of the peace of the township of New Buffalo, or the circuit court of the county of Berrien, according to the amount claimed, which courts are hereby authorized to hear, try, and determine the same.

**Jurisdiction of
Justices of the
peace.**

SEC. 21. Any justice of the peace of the township of New Buffalo shall have full power and authority, and is hereby authorized and empowered to hear, try, and determine any cause which may arise under this act, and for that purpose to hold a court in and for said village of New Buffalo, and shall have cognizance of all matters arising under and by virtue of this act and of the laws, by-laws, and ordinances of the president and trustees, and shall have jurisdiction to hear complaints, to conduct examinations in criminal and civil cases, and to try offenses which may hereafter arise within the corporate limits of said village of New Buffalo, in like manner and with like effect as may be done by the general laws of this State, and with like fees, and all processes shall be tested and made returnable, and the proceedings shall be conducted in like manner as prescribed for justices of the peace by the laws of this State, and appeals may be taken from judgments rendered, in the same time and in the same manner as provided in other cases.

**Processes, how
tested, etc.**

Appeals.

**Powers and
duties of
marshal.**

Proviso.

**Subject to con-
trol of board.**

Removal.

**Vacancies in
offices, how
filled.**

SEC. 22. The marshal shall have the general supervision of the village, and see that the laws are enforced, and by virtue of his office shall be high constable and chief of police, with the powers belonging to the constables of any township, having power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe that a felon is secreted or harbored, and where any person is who has committed a breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons and felons and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of New Buffalo, who shall hear and determine the matter, on proof, in a summary way; to compel the citizens to aid in extinguishing fires; to serve all processes issued by justices of the peace, or any other court or authority under this act, or in pursuance thereof, or any by-law of said village; to appoint deputies with powers similar to his own: *Provided*, That nothing in this act shall be construed into serving processes issued by justices of the peace in civil cases.

SEC. 23. The marshal shall at all times be subject to the control and supervision of the president and trustees in the discharge of his official duties, and he may be removed from office by a majority of their whole number, for any refusal or neglect to comply with their orders and directions, or for any gross neglect in the discharge of other official duties, but the cause of such removal shall in all cases be made a matter of record by them.

SEC. 24. A vacancy in the office of recorder, marshal, treasurer, or assessor, or either of them, whether by death, resignation, or

otherwise, shall be filled for the unexpired term by appointment to be made by the president and trustees, and any vacancy in the number of trustees shall be filled in the same manner.

SEC. 25. The president and trustees shall each receive such compensation for their services as the board shall establish, not exceeding one dollar per day for the time they are actually employed. The marshal shall receive such salary as the president and trustees shall prescribe, not exceeding the sum of fifty dollars in each year, which shall be full compensation for all services rendered by him, except the service of writs and other processes issued by any court, for the service of which he shall receive the same fees as constables in similar cases. The recorder, treasurer, and assessor shall each receive such compensation as the president and trustees shall direct.

Compensation
of board.

marshal.

Of recorder,
treasurer, and
assessor.

SEC. 26. The corporation shall be allowed the use of the common jail of the county of Berrien, for the imprisonment of any and all persons liable to imprisonment under the by-laws or ordinances of said corporation, and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases: *Provided*, That the county shall in no manner be chargeable with the costs and expenses of such imprisonment in civil cases.

Village to use
county jail.

Proviso.

SEC. 27. Each member of the fire department, or of any engine, hook and ladder, bucket, or hose company, duly organized by the president and trustees, shall be exempt from poll tax or serving on juries; and the president and trustees may pass such laws as they may deem proper to prevent or extinguish fires, and to annex penalties for the violation thereof, and to compel the assistance of the citizens to aid in extinguishing any fire.

Exemptions
from poll tax,
and serving on
juries.

Prevention, etc.,
of fires.

SEC. 28. The president and trustees shall be the commissioners of streets and highways, and within the limits of the village shall have the same power and perform the same duties as now by law belong to the commissioners of streets and highways in the several townships of the State; and shall appoint the overseers of highways, to repair and keep in order the highways, streets, and alleys, and shall cause a tax to be levied and collected as taxes usually are, for constructing and repairing roads in the different townships, and shall have exclusive control of the highway moneys levied and collected in the village: *Provided*, That their power to order fences to be removed, and remove such fences themselves, and to open, widen, and extend streets and highways, shall not be restricted between the first day of April and the first day of November in each year, but they may exercise such power at any time during the year: *And provided further*, That nothing herein contained shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the township of New Buffalo, for the repairing, building or rebuilding any bridge within said township, or for any special expenditure for the laying out, opening, working, or improving any highway of said township for any damage for which said township may become liable, by reason of any neglect in keeping any bridge or public highway in proper repair.

Village board
to be commis-
sioners of
streets, etc.

Overseers of
highways.

Highway taxes.

Proviso.

Further proviso.

SEC. 29. Whenever the lands of any person shall be required by

How lands taken for public use, etc.	the board of trustees for any of the purposes named in section twenty-eight of this act, or for any public purpose provided for in and by virtue of this act, within the limits of said village, the president and trustees shall give notice in writing thereof, by personal service, or by written notices posted up in three of the most public places in said village, in the same manner as is required by the commissioner of highways in townships for the taking of lands for highway purposes, to the owner or parties interested in said lands, his, her, or their legal representatives, at least three weeks next preceding the meeting of the said board of trustees of the intention of said board of trustees to take such land for the purpose or purposes in said notice mentioned, after the expiration of which time, the president and trustees are authorized to treat with the owner or parties interested in said lands, his, her, or their legal representatives; and if at the expiration of the time limited, as aforesaid, for the publication or service of notice, the parties cannot agree therefor, it shall and may be lawful for the board of trustees to direct any justice of the peace of the township of New Buffalo to issue a <i>venire facias</i> to command the marshal of said village, or any constable of the county of Berrien, to summon a jury of twelve disinterested freeholders, residing within said county of Berrien, to appear before said justice, at a time and place therein stated, to inquire into the just compensation to be paid therefor to the owner, or owners, his, her, or their legal representatives, which jury being first duly sworn by said justice, faithfully and impartially to inquire into the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of and assess such damages and compensation as they shall judge right and proper to be awarded to the owner or owners of, or parties interested, his, her, or their legal representatives therefor, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor confirming the same; and such sum or sums so assessed, together with the costs, shall be paid, or legally tendered, before such land, grounds, or premises shall be taken for the uses of said village, to the person or persons, his, her, or their legal representatives in whose favor said judgment shall be rendered, if known, and if unknown, then the said sum or sums of money shall remain in the treasury of said village to the credit of the person or persons to whom it properly belongs, and it shall thereupon be lawful for the board of trustees to cause the said land, grounds, or premises to be occupied and used for the purpose in such notice mentioned.
Notice of intention to take, etc.	
Board may treat with owners, etc.	
When parties cannot agree, jury to be summoned.	
Jury to view premises, and award damages.	
Judgment to be entered.	
Payment and tender of amount allowed.	
Occupancy of land, etc.	
Appeal to circuit court.	SEC. 30. The president and trustees, or any party or parties claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court for the county of Berrien, upon giving notice of his, her, or their intention so to do, to said justice in writing, within ten days; or in [on] case of the absence of said party or parties from said village, at the time of the rendition of said judgment, then within thirty days after the verdict of said jury, and the judgment of said justice as aforesaid, provided
Notice of.	

the party or parties had not been personally served with the notice, as provided in the preceding section; and upon filing a transcript of the proceedings aforesaid, duly certified by the justice, within forty days after verdict and judgment as aforesaid, in the circuit court for the county of Berrien, the same proceedings shall thereupon be had as is prescribed by law in other cases of appeal: *Pro-
vided*, That if final judgment for damages in said circuit court shall not exceed the damages assessed before the said justice at least five dollars, then the party appealing shall pay all costs occasioned by said appeal: *And provided further*, That in case the ~~Further proviso~~ appeal shall be taken by any party or parties other than the president and trustees, for and on account of said village, a bond shall be given in like manner as is required by law to be given by persons appealing from the judgment of justices of the peace in other cases.

SEC. 31. The lands within the limits of the corporation of the village of New Buffalo, and such contiguous territory as is, or may hereafter be thereto annexed, for school purposes, shall constitute a single school district, and be hereafter known, as at present designated, as "School district number one, of the township of New Buffalo," and be and remain as at present, governed by the general school laws of this State, in regard to the election of officers for graded schools, and retain and have all the powers and privileges conferred upon school districts by general law.

Territory incorporated to constitute single school district.

SEC. 32. All moneys received for licenses granted to tavern keepers, or common victualers under the provisions of this act, shall be paid to the treasurer of said school district to be applied to the support and maintenance of schools therein. Certain license moneys to go to school district treasurer.

SEC. 33. This act shall be favorably construed, and received in all courts as a public act, and copies thereof, printed under the authority of the legislature, shall be received as evidence without further proof.

SEC. 34. All matters not specially mentioned in this act shall be governed by the provisions of the general laws in regard to the incorporation of cities and villages, approved April first, eighteen hundred and seventy-five.

This act is ordered to take immediate effect.

Approved March 27, 1883.

[No. 243.]

AN ACT to amend an act entitled "An act to incorporate the city of Negaunee, in Marquette county," approved April eleventh, eighteen hundred and seventy three, as amended by the several acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact*, That an ~~act amended,~~ act entitled "An act to incorporate the city of Negaunee, in Marquette county," approved April eleventh, eighteen hundred and seventy-three, as amended by the several acts amendatory thereof,

be and the same is hereby amended by adding thereto a new chapter to stand as chapter fourteen

CHAPTER XIV.

First board of water commissioners.

SECTION 1. As soon as may be after the passage of this act, the common council shall appoint a board of water commissioners composed of three persons, who shall be freeholders and qualified electors of said city. The members first comprising such board shall take the oath of office prescribed for city officers within ten days from the date of their appointment, and proceed by lot to determine their term of office respectively, one to serve one year, one for two years, and one for three years, the result to be reported to the common council to be recorded in its proceedings.

Subsequent boards.

SEC. 2. Each year thereafter, at the regular meeting of the common council held on the first Monday in May, or as soon thereafter as may be, the said council shall appoint or elect one commissioner to serve for the period of three years, and until his successor is appointed and qualified, in the place of the one whose term of office shall then expire. Vacancies occurring in said board by removal from said city, resignation, or otherwise, shall be filled for the unexpired term by appointment of said common council.

President and executive member.

SEC. 3. The board shall elect one of its number president, and one of its number executive member of the board, to act as such until their successors are appointed by said board, and in case of vacancy in either of such offices the board may appoint others. The executive member of said board shall devote whatever time may be necessary to properly and efficiently superintend, carry forward and see executed, all work in charge of or under control of said board, under the direction thereof and shall prepare plans, specifications, estimates, and other work proposed for the consideration of said board. For his services such executive member shall receive such compensation from said city for such time as he shall actually devote to the duties of his office as shall be fixed by the common council of said city, payable from the general funds of

Duties of other members of board.

said city. The other members of said board shall be advisory members thereof, and shall discharge such duties and functions as appertain to the consideration and decision of questions and business before the board. They shall receive such compensation for actual time while attending as members upon the sessions of said board as shall be fixed by the common council of said city, but for no other service or time. The executive and advisory members shall make and verify their accounts for services, and thereupon it shall be the duty of the common council to allow and order payment for such services, at the rates fixed by said common council, from the general funds of said city.

Board to make and adopt by-laws, rules, etc.

SEC. 4. Said board of water commissioners shall have the power to make and adopt all such by-laws, rules, and regulations as they may deem necessary and expedient for the conduct of its business and that of the executive member of the board, not inconsistent with this act, and shall appoint a clerk of the board and such officers,

subject to the approval of the common council, as may be necessary for the proper running of the water-works in said city, and prescribe and define the duties and salaries of the same. The board shall have power to construct, repair, and maintain reservoirs, buildings, machinery, jets, and fountains at such localities in or without said city as the council shall deem expedient and direct, and to lay and repair water mains and pipes in and through any of the streets, alleys, and public places in said city for the purpose of furnishing a full supply of water for public and private uses in said city.

SEC. 5. Any member of said board may at any time be removed by the common council of said city for official misconduct or for the unfaithful or inefficient performance of the duties of his office. The proceedings in that behalf shall be entered in the record of its proceedings: *Provided*, That a copy of the charges against such member sought to be removed and notice of the time and place of hearing the same shall be served on him at least ten days previous to the time so assigned, and opportunity be given him to make his defense.

SEC. 6. No member of the common council of said city shall be appointed a member of said board, and no member of said board shall be personally interested, either directly or indirectly in any contract for any public work in said city under the control of said board, nor in the purchase, sale, or disposition of any material to be used in or about any public work or improvement under the control of said board.

SEC. 7. The construction and repairing of the water-works of said city, or any work connected therewith, and the construction and repairing of mains and pipes shall be done by said board in the manner approved by the common council, and all work done under the supervision of said board shall be reported to the council from time to time, and no money shall be paid out of the treasury on account of any work so done until the common council shall have instructed the recorder to draw his warrant therefor. It shall be the duty of the board to make a report to the common council in the month of January in each year, which report shall embrace the expenditures for work done under the control of the board and a statement of the condition, progress, and operation of said water-works.

SEC. 8. The said city shall provide the board with suitable office room for its meetings and business uses, and supply record books, stationery, and other things necessary for the transaction of the public business in charge of said board. All accounts for necessary expenses incurred by said board shall be presented to the common council whose duty it shall be to audit the same and order paid in like manner as other accounts against the city, on proper proof of the correctness of such accounts.

SEC. 9. Annually in each month of June said board shall fix and assess, subject to the approval of the common council, the water rates to be paid for having and using water from said works, for the year next ensuing the first day of July. Said rates shall be

Board to construct reservoirs, etc.

Removal of members of board.

Proviso.

Members of common council not to be members of board.

Board to have supervision of construction of works, etc.

Report to council.

Annual report.

City to provide office, books, etc.

Accounts for expenses.

Board to establish water rates.

based as near as may be upon the water consumed and used by the owner and [or] occupant of each house, building, or lot using water. Such water rates shall, from and after the first day of July, be a continued lien until paid, upon the lots, real estate, and premises on which the water is used and the rates assessed.

**Payment of
water rates, etc.**

SEC. 10. The owner or occupants of lots or premises against which such water shall be assessed shall pay the same at the office of said board, half yearly in advance, on the first day of July and January in each year, and in case of any default in such payment the said board may collect the same by a suit at law before any court of competent jurisdiction, and shall shut off the water until the same is paid, said suit to be brought in the name of the city of Negaunee: *Provided*, That any attempt to collect said rates by any process above mentioned shall not invalidate the lien upon said lot or premises.

**Moneys received
for, to be paid
over monthly.**

SEC. 11. It shall be the duty of said board to monthly pay into the city treasury to the credit of the general fund, or of the water fund, if such fund shall be created, all moneys received by it for water rates or from any other source, and to file a detailed statement thereof with the city assessor; and the said board shall make such reports and furnish such information to the common council as that body shall by resolution or ordinance prescribe.

**Powers of
board in making
surveys, etc.**

SEC. 12. The board, by its agents and servants, may enter upon any public or private land or water, either within or without said city, for the purpose of making all necessary surveys and for maintaining reservoirs, pipes, aqueducts, and other works, or of doing any other act necessary to carry into effect the purposes of this chapter. The board, subject to the approval of the common council may agree with all persons interested in private property as to the compensation to be paid for using the same for the public use or benefit of said board. In case no agreement can be entered

**Condemnation of
property.**

into the board shall report the facts to the common council, together with a description of the property necessary to be taken and the purposes for which it is to be used, and thereupon the common council may proceed to condemn said property in the same manner as is hereinbefore provided for in that portion of chapter five relative to taking private property for streets and alleys. They shall also have such other and further powers and rights not herein granted as are given to water boards by the general laws of the State and as are not inconsistent with the powers and rights herein granted.

**Injuries to prop-
erty, and pollu-
tion of water.**

SEC. 13. If any person shall willfully do or cause to be done any act whereby any work, materials, or property whatsoever erected or used within or without said city of Negaunee by the commissioners or by any person acting under their authority for the purpose of procuring or keeping any supply of water shall be injured, or shall willfully throw or place, or caused [cause] to be thrown or placed, any carcass of any dead animal or person, or any other deleterious or filthy substance whatsoever in any reservoir, pipe, or aqueduct of said water-works, through which water for public or private use is conveyed, or shall throw, or place, or cause to be thrown or placed,

any such carcass, deleterious, or filthy substances into Teal lake, or into its inlets, or do, or cause to be done any other act to willfully pollute said water, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail for a period not exceeding three months, or both such fine and imprisonment, at the discretion of the court before which the case may be tried. The commissioners shall erect notices of so much of this section as relates to reservoirs and Teal lake, at conspicuous places near the same, and for this purpose, they, or their agents, shall have the right to enter upon private property.

SEC. 14. If any person shall, without the authority of the commissioners, or their proper agents, perforate or bore, or cause to be perforated or bored, any distributing pipe, main log, or aqueduct belonging to said water-works, or cause to be made any connection or communication with said pipes, aqueduct, or logs, or meddle with or move the same, or any machinery, apparatus, or fixture of the board, or take down or deface any of its notices provided for in the last section, or cause the same to be done, the person so offending shall, on conviction, be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail for a period not exceeding three months, or both such fine and imprisonment, at the discretion of the court before which the case may be tried. Any person who shall willfully break or cut any inlet pipe, main distributing pipe, log, or aqueduct used by the commissioners for conducting said water, or shall dig into, or break up any reservoir, filled, or partially filled with water, or shall break or injure any pumping engine, or any part thereof, or any of the machinery connected therewith belonging to said water-works, or cause any of said acts to be done, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail for a period not exceeding one year, or both such fine and imprisonment, at the discretion of the court before which the case may be tried.

SEC. 15. The common council of said city may provide a system of water-works for said city, to protect it against fire, and furnish the inhabitants with a supply of pure and wholesome water, and to that end, whenever said common council shall deem it necessary to issue the bonds of the city, the question of the issuing of said bonds shall be submitted to the qualified electors of said city who are liable to pay a city tax therein, at the annual election in April, or at some special election called for that purpose, in the same manner, as other special elections are called under said incorporate act, and at least ten days' notice of such submission shall be given immediately preceding said election, by posting the same in three public places in each ward of said city, or by publishing the same in some newspaper published in said city, specifying the amount, of not exceeding twenty-five thousand dollars, and the object for which it was proposed to issue said bonds. A separate ballot box shall be provided for the receiving of ballots, and the votes shall be canvassed, declared, and returned, and all things with

Perforation of,
and connections
with pipes, etc.,
and meddling
with machinery,
and apparatus,
etc., of, prohib-
ited, and penalty
for prescribed.

Common council
may provide sys-
tem of water-
works, for fire
and domestic
purposes.

Bonds for.

Question to be
submitted to
electors.

Notice of.

Ballot.

Certificate of
vote.

reference thereto done in the same manner, as near as may be, as in the case of the election of city officers. At the close of such election the inspectors shall make two certificates of the number of votes given for and against such issue of bonds, one of which shall be forthwith deposited with the recorder of said city, and the other filed in the office of the county clerk for the county of Marquette: *Provided*, That not more than two such meetings shall be called in any one year, and that the total bonded indebtedness of the city shall not, at any one time, exceed said sum of twenty-five thousand dollars.

Council to pro-
vide for payment
of, by taxation.

SEC. 16. Whenever the common council shall be authorized by a vote of the taxpayers, as provided in the preceding section, they may issue the bonds of the city for the amount voted, and provide for the payment of the principal and interest thereon, and for this purpose shall annually levy, assess and collect on the assessed value of all the real and personal estate in said city, made taxable by the laws of this State, and such tax shall be levied, assessed, and collected in the same manner, and upon the same tax roll as is provided for the levying and collection of other city taxes, and shall be designated on such tax roll as the water tax, taxes for this purpose not to exceed in amount a sufficient sum to pay the interest accrued, or to accrue on said bonds for the year for which such taxes are levied, and the principal, as it shall become due. Said bonds shall be denominated "water bonds," and shall be numbered in the order of their issuance, and shall be for not less than three years, nor more than thirty years from their date, and shall be issued under the seal of the corporation, signed by the mayor and recorder, and be redeemable at the pleasure of the common council, after three years from the date of such issue: *Provided*, That any bonds bearing a less rate of interest than six per centum per annum, may, in the discretion of the common council, be made payable at any time, not more than thirty years from their date, and shall not be payable at the pleasure of the said common council before the expiration of such time. The recorder shall keep an accurate record of said bonds, and of the number, date, and amount of each, its rate of interest, when and where the same is payable, and the person to whom it is issued. Said bonds shall not be transferable, except with the written approval of the mayor, and recorder endorsed on the same.

Water fund to
be created.

SEC. 17. Whenever such bonds are voted and issued in the manner described in the preceding section [sections] the common council shall create a new fund to be designated the "water fund," to the credit of which shall be placed the proceeds of said bonds, together with the sums of money raised by taxation to pay the same and the interest thereon, also all water rates collected and such sums of money as the common council may from time to time order transferred from the general fund of said city to said water fund. Said bonds as they may fall due, and the accrued interest thereon, shall be paid from said water fund, and the common council may order the payment of all the expenses incurred by said board of water commissioners, together with their compensation, from said water

Bonds and inter-
est to be paid
from.

fund. The common council may require of the city treasury additional security for said water fund, in such sums and with such sureties as it shall approve, and may grant and allow such additional compensation not already provided by law as it may deem expedient for services actually performed in carrying out the provisions of this act.

SEC. 18. All clauses, sections, or parts of sections, in any preceding chapter of the charter of the city of Negaunee inconsistent or conflicting with the provisions of chapter fourteen are hereby repealed.

This act is ordered to take immediate effect.

Approved March 27, 1883.

[No. 244.]

AN ACT to amend sections one and three of chapter one, sections one and two of chapter two, section three of chapter four, sections one, eight, ten, twelve, twenty-three, and twenty-six of chapter five, sections four, eleven, and twelve of chapter six, chapter seven, sections one and two of chapter eight, section one of chapter nine, and section fourteen of chapter eleven, and to repeal sections sixteen, seventeen, eighteen, nineteen, twenty-five, and twenty-seven to thirty-five inclusive, of chapter five, sections three, four, and fourteen to twenty-one inclusive, of chapter eight, section four of chapter nine, sections five, seven, and nineteen of chapter ten, and section fifteen of chapter eleven, of an act entitled an "Act to incorporate the city of Ishpeming, in the county of Marquette," approved April ten, eighteen hundred and seventy-three, and to add a new chapter thereto to stand as chapter fourteen thereof.

SECTION 1. *The People of the State of Michigan enact,* That sections one and three of chapter one, sections one and two of chapter two, section three of chapter four, sections one, eight, ten, twelve, twenty-three and twenty-six of chapter five, sections four, eleven, and twelve of chapter six, chapter seven, sections one and two of chapter eight, section one of chapter nine, and section fourteen of chapter eleven of an act entitled an "Act to incorporate the city of Ishpeming, in the county of Marquette," approved April tenth, eighteen hundred and seventy-three, be amended so as to read as follows:

CHAPTER I.

SECTION 1. *The People of the State of Michigan enact,* That all that part of the county of Marquette included in the following limits, to-wit: The west half of the southwest quarter of section two, the south half and the south half of the north half of section three, the east half of the southeast quarter of section four, the east half of the east half of section nine, section ten, the west half of

the west half of section eleven, the northwest quarter of the northwest quarter of section fourteen, section fifteen, and the northeast quarter of the northeast quarter of section sixteen, in township forty-seven north, of range twenty-seven west, be and the same is hereby declared to be a city by the name of the city of Ishpeming by which name it shall hereafter be known.

Wards. SEC. 3. Said city shall be divided into four wards as follows : The first ward shall embrace that portion of said city known as Nelson's plat of the village of Ishpeming as recorded in the registry of deeds of Marquette county, in liber J of deeds, at pages three hundred and thirty-eight and three hundred and thirty-nine. The second ward shall include the following described territory, to-wit: The east half of the southeast quarter and the southeast quarter of the northeast quarter of section nine, the southwest quarter and the south half of the northwest quarter of section ten, the northwest quarter of the northwest quarter of section fourteen, section fifteen, and the northeast quarter of the northeast quarter of section sixteen. The fourth ward shall contain the west half of the southwest quarter of section two, the east half of the southeast quarter of section three, the east half of section ten, and the west half of the west half of section eleven. The third ward shall consist of all the remaining territory of the city as described in section one of this act. The officers of the first, second, and third wards as they now exist shall not be affected by the adoption of this amendment, but shall continue in their several offices until their successors are duly elected and qualified at the annual election, held in April, eighteen hundred and eighth-three. The polls shall be held at the same place in the first, second, and third wards as heretofore, and in the fourth ward the polls shall be held at the office of the Cleveland Mine. At such election there shall be chosen in the fourth ward by the electors present, two judges and a clerk of said election, who shall possess the powers of a board of inspectors of elections in townships, and shall certify the results [result] to the common council. At such election there shall be chosen in addition to the other ward officers in the fourth ward, two aldermen, one for the term of one year, and one for the term of two years, which fact shall be expressed on the ballot.

CHAPTER II.

City officers to be elected. SECTION 1. The officers of said city shall be one mayor, one recorder, one treasurer, four justices of the peace, one constable in each ward of said city, two aldermen in each ward of said city, two school inspectors, one supervisor in each ward of said city, as hereinafter provided, who shall be elected at the annual city election by the qualified electors of the whole city, or wards thereof, respectively, by ballot, as hereinafter provided ; also one assessor, one city attorney, one marshal, one deputy marshal, director of the poor, pound-master, inspector of firewood, weigh-master, and auctioneer, as the common council shall from time to time direct, all to be appointed as hereinaster provided.

Appointive officers.

SEC. 2. The following officers shall be appointed by the common council on or before the first Monday in May of each year, viz.: One marshal, one deputy marshal, one director of the poor, who shall possess all the powers of overseers of the poor of townships, under the laws of the State; also, one street commissioner for the entire city, one pound-master, one city attorney, and the common council shall, at their second meeting in the month of April, in the year eighteen hundred and seventy-five, or as soon thereafter as may be, and every three years thereafter, appoint one assessor for said city, who shall annually assess all property in said city liable to taxation under the laws of this State, now or hereafter in force, for the purpose of levying the taxes lawfully imposed thereon, and who shall, for the purpose of making such assessment, have all the powers, and perform all the duties of supervisors of [the] townships in this State, and perform such other duties as this act imposes. The supervisors elected in the several wards shall be members of the board of supervisors of Marquette county, and represent the interests of this corporation on said board, and perform all the duties of supervisor of township not inconsistent with this act. The assessor shall have power to administer oaths and affirmations, whenever necessary to the proper discharge of the duties of the office, and any person who shall willfully swear falsely to any return, valuation, record, property, or material fact regarding his property, liable to be assessed under the laws of this State, shall be held and deemed guilty of the crime of perjury. The assessor shall receive such compensation for his services in making assessments and levying and extending taxes thereon as the common council may determine, and shall be subject to removal for cause the same as other officers appointed by the common council.

*Supervisors to be
members of the
county board of*

*Assessor may
administer oath,
etc.*

*Compensation of
assessor.*

CHAPTER IV.

SECTION 3. Whenever a vacancy occurs in the office of alderman, or justice of the peace, the common council of said city shall immediately appoint a special election to be held in the city or ward for which such officer was chosen, at some suitable place therein, not less than ten days nor more than twenty days from the time of such appointment: *Provided*, That in case any such vacancy shall occur in said office of alderman within three months before the first Monday of April of any year, it shall be optional with the common council to order a special election or not, as they may deem expedient.

*Special election
to fill vacancies.*

Proviso.

CHAPTER V.

SECTION 1. The mayor and aldermen of said city shall constitute the common council. They shall meet at such time and places as they shall from time to time appoint, and on special occasions [occasion] whenever the mayor, or person officiating as mayor, in case of vacancy in the office of the mayor, or of his absence from the city, or inability to officiate, shall by written notice appoint, and which shall be served on the members in such a manner and

Common council.

Meetings of

Notice.

President pro tempore.

for such a time as the common council may by ordinance direct; and the common council shall, at its first or some subsequent session in each year, choose by ballot a president *pro tempore* of the common council from among their own number, who shall, in the absence or inability of the mayor, perform all his duties and be called acting mayor of the city.

Meetings of, to be public. Quorum.

SEC. 8. All meetings and sessions of the council shall be in public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley, or public grounds be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution be passed or adopted except by the vote of a majority of all the aldermen elected to office, except as herein otherwise provided.

Reconsidering vote of.

SEC. 10. The common council shall, in addition to such powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, viz.:

General powers of council.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct, or assemblies, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

To prevent vice, riot, immorality, etc., and punish same.

Second, To apprehend and punish vagrants, drunkards, disorderly persons, and common prostitutes;

Vagrants, drunkards, etc.

Third, To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue, or remove the same; and generally to determine and declare what shall be deemed nuisances;

Disorderly houses, etc.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

Billiard tables, etc.

Fifth, To regulate or prohibit and suppress billiard tables, nine or ten-pin alleys or tables, and ball alleys, and to punish the keepers thereof;

Gaming.

Sixth, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

Seventh, To regulate ale, beer, and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof; and to require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe, subject to the general laws of this State;

Eighth, To prohibit and prevent the selling or giving of any spirituous, fermented, or intoxicating liquors to any drunkard or intemperate person, minor, or apprentice, and to punish any person so doing;

Ninth, To regulate, restrain, and prohibit all sports, exhibitions shown of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary, or scientific subjects excepted;

Tenth, To prevent and punish violations of the Sabbath day, and Sabbath the disturbance of any religious meeting, congregation, or society, or public meeting assembled for any lawful purpose, and to require all places of business to be closed on the Sabbath day;

Eleventh, To license auctioneers, auctions, and sales at auction, Auctions. to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public biddings, or offers by the buyers or sellers, after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;

Twelfth, To license hawkers, peddlers, and pawnbrokers, and Peddlers, hawkers, etc. hawking and peddling; and to regulate, license, or prohibit the sale or peddling of goods, wares, merchandise, refreshments, or any kind of property, or thing, by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device in the streets, highways, or in or upon the wharves, docks, open places or spaces, public grounds, or buildings in the city;

Thirteenth, To prevent the incumbering of streets, sidewalks, Incumbering of crosswalks, lanes, alleys, bridges, or aqueducts, in any manner streets, etc. whatever;

Fourteenth, To prevent and punish horse-racing, immoderate riding or driving in any street, and to authorize the stopping and Immoderate driving. detaining any person who shall be guilty of immoderate driving or riding in any street;

Fifteenth, To regulate and license all taverns and houses of Taverns. public entertainment; all saloons, restaurants, and eating houses;

Sixteenth, To license and regulate all vehicles of every kind Public vehicles. used for transportation of persons or property for hire in the city;

Seventeenth, To regulate and license all toll-bridges within the Toll bridges.

- city, and to prescribe the rates and charges for passage over the same ;**
- Inspection of provisions.** *Eighteenth, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat, and other provisions ;*
- Coal, hay, etc.** *Nineteenth, To regulate the inspection, weighing, and measuring of brick, lumber, firewood, coal, hay, and any article of merchandise ;*
- Weights and measures.** *Twentieth, To provide for the inspection and sealing of weights and measures ;*
- Cisterns, sewers, etc.** *Twenty-first, To enforce the keeping and use of proper weights and measures by vendors ;*
- Indecent exposure, obscenity, etc.** *Twenty-second, To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, sewers, and gutters ;*
- Bathing.** *Twenty-third, To prohibit and prevent, in the streets, or elsewhere in said city, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind ;*
- Clearing streams, etc.** *Twenty-fourth, To regulate or prohibit bathing in the rivers, ponds, streams, and waters of the city ;*
- To restrain and control offensive business, etc.** *Twenty-fifth, To provide for clearing the rivers, ponds, and streams of the city, and the races connected therewith, of all drift-wood and noxious matter ; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome, and offensive ;*
- Gunpowder, etc.** *Twenty-sixth, To compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter-house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove, or abate the same, whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of said city ;*
- Cellars, slips, barns, etc.** *Twenty-seventh, To regulate the keeping, selling, and using of gunpowder, fire-crackers, and fire-works, and other combustible materials, and the exhibition of fire-works, and the discharge of firearms, and to restrain the making or lighting of fire in the streets, and other open spaces in the city ;*
- Mock auctions.** *Twenty-eighth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies ; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink, or privy thereon ;*
- Lotteries.** *Twenty-ninth, To prohibit, prevent, and suppress mock auctions and every kind of fraudulent game, device, or practice, and to punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof ;*
- Thirtieth, To prohibit, prevent, and suppress all lotteries for*

the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing, or managing the same;

Thirty-first, To license and regulate solicitors for passengers or Hackmen, runn^{ers, etc.} for baggage for any hotel, tavern, public house, boat, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description, used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Thirty-second, To provide for the protection and care of paupers, Paupers. and to prohibit and prevent all persons from bringing to the city from any other place any pauper or other person likely to become a charge upon said city, and to punish therefor;

Thirty-third, To provide for taking a census of the inhabitants Census. of the city whenever the council shall see fit, and to direct and regulate the same;

Thirty-fourth, To restrain and regulate the use of locomotives, Locomotives, engines, and cars upon the railroads within said city, subject to cars, etc. the general railroad laws of this State;

Thirty-fifth, To establish and regulate one or more pounds, and Pounds. to restrain and regulate the running at large of horses, cattle, swine, or other animals, geese, and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding;

Thirty-sixth, To regulate and prevent the running at large of Dogs. dogs; to impose taxes on the owners of dogs, and to prevent dog fights in the streets;

Thirty-seventh, To compel all persons to keep sidewalks in front Cleaning side-walks. of premises owned or occupied by them clear from snow, dirt, wood, or obstructions;

Thirty-eighth, To regulate the burial of the dead, and compel Burial of dead. the keeping and return of bills of mortality;

Thirty-ninth, Concerning the lighting of streets and alleys, and Lighting of streets. the protection and safety of public lamps;

Fortieth, To regulate and license transient traders, and all persons Transient tra- ders. who shall establish themselves in said city for the purpose of trading or selling any goods, wares or merchandise, for the space of one year or less;

Forty-first, And further, the council shall have authority to Further powers of. enact all ordinances, and to make all such regulations consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges, or permits shall be granted by the council to any person or persons, or to any corporation for any purpose whatever.

SEC. 12. When, by the provisions of this act, the common coun- Powers of, to cil have authority to pass ordinances for any purpose, they may prescribe fines, penalties, and forfeitures, not exceeding one hun- penalties, etc. dred dollars, or imprisonment not exceeding three months, or both,

in the discretion of the court, together with [the] costs of prosecution for each violation of any of said ordinances; and may provide that the offender, on failing to pay any such fine, penalty, or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding six months, unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison, or in the county jail of the county within which the city is located, as the council may prescribe; and that the offender be kept at labor during such imprisonment. Such fine, penalty, forfeiture, and imprisonment for the violation of any ordinance, shall be prescribed therein.

Common council may borrow money, issue bonds, etc.

SEC. 23. To enable the common council to fully and effectually carry out and perform any and all powers conferred upon them by this act, they may borrow money at a rate of interest not exceeding ten per cent per annum, and issue the bonds of the city therefor, signed by the mayor and recorder; but no money shall be borrowed for a longer period than ten years, nor shall the sum of any and all indebtedness for money thus borrowed by the common council ever exceed the sum of twenty thousand dollars; and if the common council shall deem it necessary to borrow more money than is above provided for, the question of making such loan shall be submitted to the qualified electors of said city who are liable to pay a city tax therein, at some annual or special election called for that purpose, in the same manner as other special elections are called under this act; but before any loan of money shall be authorized by a vote of such electors of said city, written or printed notices shall be posted by the recorder in at least two public places in each ward, specifying the object or objects for which money is proposed to be borrowed. The common council may provide by ordinance the manner of voting upon any question of borrowing money; but the votes shall be canvassed and the result certified and determined in the same manner as the result of other votes are canvassed by the provisions of this act; but the total indebtedness of said city for all purposes except fire department and water works purposes, shall never exceed thirty thousand dollars at any one time.

Private property appropriated for certain purposes.

SEC. 26. Private property may be appropriated for public use by the city for the purpose of opening, widening, altering, and extending streets, alleys, and avenues; for the consideration of bridges; for public grounds, parks, market places, and spaces; for the improvement of water courses; for sewers, drains and ditches; for water works and for necessary public buildings, hospital, pest-houses, and public cemeteries.

CHAPTER VI.

Marshal, powers and duties of.

SECTION 4. The marshal of said city shall be the chief of police and shall possess all the powers of a constable. He shall see that all the by-laws and ordinances of the common council are properly and efficiently enforced, and especially those which may be passed to carry into effect those parts of this act relating to police and sanitary regulations. He shall obey all the lawful orders of the mayor

and may command the aid and assistance of all constables and all other persons in the discharge of the duties imposed upon him by law. He may appoint, subject to the approval of the mayor, such number of special police constables as he may in emergency deem necessary, who shall have all the power of police constables under this act. The deputy marshal shall, in the event of the absence, *Deputy Marshal.* inability, death or removal of the marshal, possess the same authorities as the marshal.

SEC. 11. The police constables of said city shall have and receive *Police constables.* the same fees, and have the like powers and authority in matters of criminal nature, as is conferred by law upon constables in the several towns of the State, and shall, if required by the common council, give like security.

SEC. 12. The school inspectors elected as hereinbefore provided, *Board of school inspectors.* with the recorder, shall constitute the board of school inspectors of said city, and shall perform the same duties as school inspectors of townships, and in performance of such duties, such school inspectors shall be governed by the same law as school inspectors in townships. The recorder of said city shall be clerk of the board *Clerks of school inspectors.* of school inspectors. The street commissioner and such other *Street commis- sioner.* officers or persons as the common council may direct and appoint, shall, under the direction of the common council, superintend the making, grading, paving, repairing and opening of all streets, lanes, alleys, sidewalks, crosswalks, or other public grounds, within the limits of their respective wards, in such manner as he or they may be from time to time directed. The street commissioner shall collect *Shall collect poll tax.* all capitation or poll taxes and all resident highway or labor tax therein, which overseers of highways are authorized to collect in their respective highway districts; and such street commissioner shall be commissioner and overseer of highways, and vested with all the powers of overseers of highways under the laws of this State now or hereafter in force in this State; and such street commissioner may pursue and adopt the same course in collecting all highway tax, and in the performance of all duties as commissioner and overseer of highways in townships may adopt, or he may collect all such taxes in such manner as the by-laws or ordinances in force in said city may prescribe; and the street commissioner shall give a bond in such penalty and with such surety as the common council may prescribe and direct, conditioned for the faithful performance of his duties as such street commissioner, and for the accounting for and paying over all moneys that may come into his hands as such officer, by virtue of his office, and such street commissioner shall receive as compensation for his services such sum as the common council may direct or allow; and the street commissioner shall be fence-viewer of the city and possess all the powers, and be subject to the same liabilities as fence-viewers in townships. *Compensation of*

CHAPTER VII.

SECTION 1. The justices of the peace in said city hereinbefore mentioned shall be deemed justices of the peace of the county of *Jurisdiction of Justices of the Marquette, and shall have all the powers and jurisdiction given peace.*

Proviso.

by the general laws of this State in relation to civil and criminal cases before justices of the peace in townships, and appeals from their judgments and convictions may be made to the circuit court for the county of Marquette, in the same manner as appeals from justices' judgments and convictions in towns are made: *Provided*, That all actions within the jurisdiction of justices of the peace may be commenced and prosecuted in said justices' courts when the plaintiff or defendant or one of the plaintiffs or defendants reside in a township adjoining the township of Ishpeming.

Limitation of actions under ordinances.

SEC. 2. Prosecutions for violations of ordinances of the city shall be commenced within two years after the commission of the offense; and shall be brought within the city, or in the county in which the city is located.

Penalties recovered in action of debt, etc.

SEC. 3. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property it may be sued for and recovered in an action of trover, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance the same shall be sued for in one of the actions aforesaid.

Action to be commenced against city by summons.

SEC. 4. Such action shall be brought in the name of the city, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the cause, shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by the law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, or against a woman shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment.

Judgment and execution.

SEC. 5. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender.

Prosecutions commenced by warrant.**Warrant, what to contain.****Proceedings under.**

SEC. 6. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be, to the provisions of law regulating the proceedings in criminal causes cognizable by justices of the peace.

SEC. 7. If the accused shall be convicted, the court shall render ^{Proceeding upon conviction.} judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.

SEC. 8. Every such judgment shall be executed by virtue of an ^{Execution of Judgment.} execution or warrant, specifying the particulars of the judgment. If judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

SEC. 9. The city shall be allowed the use of the jail of the county in which it is located for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to, and committed to imprisonment, in such county jail or in the city prison, or other place of confinement provided by the city, or authorized by the ordinances of the city, and the sheriff or other keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged. ^{City to use county jail, etc.}

SEC. 10. All process issued in any prosecution or proceeding, for the violation of any ordinance of the city, shall be directed to the city marshal, or any constable of the city or county, and may be executed in any part of the State, by said officers or any other officer authorized by law to serve process issued by justices of the peace. ^{Process, to whom directed, and by whom executed.}

SEC. 11. It shall not be necessary in any suit, proceeding, or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provisions thereof, in any complaint, warrant, process, or pleading therein; but the same shall be deemed sufficiently set forth or stated, by reciting its title and the date of its passage or approval, and it shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval, and every court or magistrate, having authority to hear or determine the cause, shall take judicial notice of the enactment, existence, and provisions of ^{Ordinances, how set forth in papers, pleadings, etc.} ^{Sufficiency of warrant, complaint, etc.} ^{Courts to take judicial notice of.}

the ordinances of the city, and the resolutions of the council, and of the authority of the city to enact the same.

Trial by jury.

SEC. 12. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except where other provision is made, shall consist of six persons, and in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.

Removal of
judgment, etc.,
to circuit court.

SEC. 13. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county in which the city is located by appeal or writ of *certiorari*; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court shall be the same as an appeal and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings by *certiorari* into the circuit court; and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given as in cases of appeal and *certiorari* in civil causes tried before justices of the peace, except that the city shall not be required to give any bond or security thereon. The circuit court to which the cause shall be appealed or removed by *certiorari* shall also take judicial notice of the ordinances of the city, and the resolutions of the council, and of the provisions thereof.

Fines, by whom
received, and to
whom to be paid
over.

SEC. 14. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or person receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury, except such fines as by the constitution are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

Neglect to pay
over fines.

SEC. 15. If any person who shall receive [have received] any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving

any such fine, who shall willfully neglect or refuse to pay over the same, as required by the foregoing provisions, shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

SEC. 16. Fines paid into the city treasury, for violations of ordinances of the city, shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city.

SEC. 17. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the city, the court may require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted.

CHAPTER VIII.

SECTION 1. The assessor in said city shall in each and every year make and complete the assessment of the real and personal property within the city, in the same manner and within the time, as near as may be, as is required by law for the assessment of property in the several townships of this State, and in so doing shall, in all respects conform to the provisions of law governing the action of supervisors in the several townships of this State, in the assessment of property and the levying of taxes.

SEC. 2. The members of the common council, or any three of them, when assembled at the common council rooms for that purpose, shall constitute the board of review, who shall perform all the duties and possess all the powers of boards of review in townships under the general tax law.

CHAPTER IX.

SECTION 1. The officers of said corporation shall be entitled to receive, out of the city treasury, the following sums in full payment for their services: The mayor shall not be entitled to receive any compensation; the recorder, assessor, and attorney shall be entitled to receive, respectively, such sums as the common council may allow, not exceeding one thousand dollars per annum each; the marshal shall receive such compensation, not exceeding seven hundred dollars per annum, as the common council shall allow; the treasurer, justices of the peace, and constables shall be allowed the same fees as are by law allowed to corresponding township officers, unless in this act otherwise provided; the street commissioner, the directors of the poor, and school inspectors shall be entitled to receive such compensation as the common council shall allow; the aldermen shall not be allowed to receive more than one dollar each in any year as compensation for their services as such.

CHAPTER XI.

SECTION 14. The common council may purchase one or more steam fire engines as shall be deemed expedient, and organize a [paid] fire department, and shall have full power to provide for pay-

ing for the same, and maintaining such fire department with the necessary apparatus, hose, carts, hose companies, and buildings that may be necessary, proper, and convenient. The total taxes in any one year for maintaining the fire department shall not exceed one-half of one per cent on the assessed valuation of said city in addition to the other taxes provided for in this act.

SEC. 2. The following chapter shall be added to said act to stand as chapter fourteen thereof:

CHAPTER XIV.

**Public buildings,
improvements,
etc., to be paid
for by city.**

SECTION 1. The cost and expense of the following improvements, including the necessary lands therefor, viz.: For city hall and other public buildings and offices for use of the city officers, engine house [houses] and structures for the fire department, for water-works, market houses and spaces, cemeteries and parks, watch houses, city prisons and workhouses, lands appropriated for streets and rights-of-way, shall be paid from the proper general funds of the city. The cost and expense of constructing, repairing, and improving pavements and streets, sidewalks, crosswalks, street gutters; sewers, alleys, and tunnels may be defrayed in whole or in part by a special assessment upon lands abutting upon and adjoining [adjoined] to or otherwise benefited by the improvement, or may be paid out of the general highway fund. Such assessments [assessment] may be made as in this chapter provided.

**Board of
assessors.**

SEC. 2. There shall be a board of assessors in said city, consisting of the street commissioner and two other members, who shall be freeholders and electors in the city, to be appointed by the council. Their compensation shall be prescribed by the council. Special assessments authorized by this act shall be made by such board. If a member of the board shall be interested in any special assessment directed by the council, they shall appoint some other person to act in his stead in making the assessment, who, for the purposes of that assessment shall be a member of the board.

**Special assess-
ment by resolu-
tion of council.**

SEC. 3. When the council shall determine to make any public improvement or repairs, and defray the whole or any part of the cost and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement and what part or portion [proportion of the expenses] thereof shall be paid by special assessment, and what part, if any, has been appropriated from the general funds of the city, or from the street district funds, and shall designate the district or lands and premises upon which the special assessment shall be levied.

**Council to
cause plans, esti-
mates, etc., to
be made.**

SEC. 4. Before ordering any public improvements or repairs, any part of the expenses of which is to be defrayed by special assessment, the council shall cause estimates of the expenses [expense] thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the recorder for public examination; and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed, by publication for two weeks at least in one of

**Notice of pro-
posed improve-
ment.**

the newspapers of the city, and of the time when the council will meet and consider any objections thereto. Unless a majority of the persons to be assessed shall petition therefor, no such improvement or work shall be ordered, except by the concurrence of two-thirds of the aldermen elect.

SEC. 5. The cost and expense [expenses] of any improvement which may be defrayed by special assessment shall include the costs of surveys, and costs of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed twenty-five per cent of the value of such lot or land, as valued and assessed for State and county taxation in the last preceding ward tax roll; any cost exceeding that per cent, which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city.

SEC. 6. Special assessments to defray the estimated cost of any improvement shall be levied before [the] making [of] the improvement.

SEC. 7. When any special assessment is to be made *pro rata* upon the lots and premises in any district, according to the frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors, and shall state therein the amount to be assessed, and whether according to frontage or benefits; and describe or designate the lots and premises, or locality constituting the district to be assessed.

Special assessment pro rata,
by board of assessors.

SEC. 8. Upon receiving such order and directions the board of ~~Assessment roll~~ assessors shall make out an assessment roll, entering and describing therein all the lots, premises, and parcels of land to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act applicable to the assessment; and when the [such] assessment is completed, they shall report the same to the council.

SEC. 9. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed; unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefits resulting to such lots from the improvements [improvement].

SEC. 10. When any expenses [expense] shall be incurred by the city upon or in respect to any separate or single lot, parcel of land, or premises which by the provisions of this act the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in an assessment district, on (an) account of the labor or services for which such expense

was incurred, verified by the officer or person performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred and the name of the owner or person chargeable therewith shall be reported to the council in such manner as the council shall prescribe.

Expense charged against individual lots.

SEC. 11. The council shall determine what amount, or part of every such expense, shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively, to be reported by the recorder to the board of assessors for assessment.

Special assessment roll.

SEC. 12. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy a special assessment therein upon each lot or parcel of land so reported to them, and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid, to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the council.

Report to council.

SEC. 13. When any special assessment shall be reported by the board of assessors to the council, as in this chapter directed, the same shall be filed in the office of the recorder and numbered. Before adopting the assessment the council shall cause notice to be published for two weeks at least, in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the council and board of assessors will meet to review the assessment. Any person objecting to the assessment may file his objections thereto in writing with the city clerk.

Review, correction, and disposition of roll.

SEC. 14. At the time appointed for that purpose as aforesaid, the council and board of assessors shall meet, and there; or at some adjourned meeting, review the assessment, and the council shall correct the same if necessary, and confirm it as reported or as corrected, or they may refer the assessment back to the board for revision, or annul it and direct a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed the city clerk shall indorse a certificate thereof upon the roll, showing the date of confirmation.

Confirmation of final.

SEC. 15. When any special assessment shall be confirmed by the council it shall be final and conclusive, but no such assessment shall be confirmed, except by the concurrence of two-thirds of the aldermen elect.

Assessments a lien.

SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the persons to whom assessed, until paid.

Division into installments.

SEC. 17. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year at such time as

the council shall determine, with annual interest at a rate not exceeding eight per cent.

SEC. 18. All special assessments, except such installments thereof as the council shall make payable at a future time, as provided in the preceding section, shall be due and payable upon confirmation.

SEC. 19. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment, as the same shall become due, with [the] accrued interest upon all unpaid installments, included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed.

SEC. 20. Should any lots or land be divided after a special assessment thereon has been confirmed, and divided into installments, and before [the] collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division.

SEC. 21. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make an additional *pro rata* assessment to supply the deficiency, and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

SEC. 22. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity, or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All [the] proceedings on such re-assessment, and for the collection thereof, shall be conducted in the same manner as provided for the original assessment; and whenever any sum, or any part thereof, levied upon any premises in the assessment so set aside, has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises, and the re-assessment shall to that extent be deemed satisfied.

SEC. 23. No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding might have been lawfully assessed thereon.

SEC. 24. Whenever any special assessment shall be confirmed and be payable, the council may direct the recorder to furnish the city assessor a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon

each, and the name of the owner or occupant against whom the assessment was made, and requiring said assessor to levy the several sums so assessed, as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report, the assessor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax in the tax roll next thereafter to be made, in a column for special assessments, and thereupon the amount so levied in said tax roll shall be collected and enforced with the other taxes in the tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed until paid, and when collected shall be paid into the city treasury.

When special assessment roll confirmed, warrant to be attached, and handed to treasurer for collection.

SEC. 25. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council, instead of requiring the assessments to be reported to the city assessor, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the recorder shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person, not exempt from execution, and he pay the money so collected into the city treasury, and return said roll and warrant, together with his dings thereon, in sixty days of the date of such warrant.

Seizure and sale of goods.

SEC. 26. Upon receiving said assessment roll and warrant the city treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand the treasurer shall seize and levy upon such [any] personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Disposition of proceeds.

Payment of money, and return of roll.

SEC. 27. The city treasurer shall pay the moneys and all the percentage collected by him into the city treasury. He shall also make return of said assessment roll and warrant to the recorder according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

SEC. 28. Said warrant may be renewed from time to time by the recorder, if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city treasurer shall perform the same duties, and make the like returns as above provided. In case any assessment shall be finally returned by the city treasurer unpaid as aforesaid, the same may be certified to the city assessor in the manner provided in section twenty-four of this chapter, and shall then be reassessed, with interest included, at the rate of ten per cent, from the date of the confirmation of the assessment until the first day of February then next, in the next tax roll, and be collected and paid in all respects as provided in section twenty-four aforesaid.

SEC. 29. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

SEC. 30. If in any such action it shall appear that by reason of any irregularities or informality the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant, of the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

SEC. 3. Sections sixteen, seventeen, eighteen, nineteen, twenty-five, and twenty-seven to thirty-five inclusive of chapter five, sections three, four, and fourteen to twenty-one inclusive of chapter eight, section four of chapter nine, sections five, seven, and nineteen of chapter ten, and section fifteen of chapter eleven of an act entitled "An act to incorporate the city of Ishpeming in the county of Marquette" are hereby repealed.

This act is ordered to take immediate effect.

Approved March 27, 1883.

[No. 245.]

AN ACT to incorporate the city of Escanaba, in the county of Delta.

CHAPTER I.

CITY AND WARD LIMITS.

SECTION 1. *The People of the State of Michigan enact,* That so much of the township of Escanaba, in the county of Delta, in the territory incorporated.

State of Michigan, being formerly the incorporated village of Escanaba, and such other territory as is included in the following descriptions to wit: All of fractional section twenty-nine (29), west half, and southeast quarter, and south half of northeast quarter of thirty (30), all of thirty-one (31) and thirty-two (32), all in town thirty-nine (39) north, range twenty-two (22) west; all of fractional sections six (6) and seven (7) in town thirty-eight (38) north, range twenty-two (22) west; also the east half of sections twenty-five (25) and thirty-six (36), in town thirty-nine (39) north, range twenty-three (23) west, shall be, and the same is hereby set off from the aforesaid township of Escanaba, and declared to be, and is hereby organized and incorporated into a city, by the name of the city of Escanaba. And the said city shall have jurisdiction over the waters adjacent to said city for the distance of one mile from the shore line thereof.

Wards.**First ward.****Second ward.****Third ward.****Fourth ward.****Additional wards.****Re-districting into wards.****Notice of.**

SEC. 2. The said city shall for the time being, be divided into four wards. The First ward shall consist of that portion of said city included in that part of the recorded plat of said village of Escanaba lying east of a line drawn through the center of Harrison avenue, extended north to the shore of Little Bay De Noc. The Second ward shall include all that portion of said city lying west of said line running through the center of Harrison avenue, and east of a line running through the center of Elmore street extended north to the city limits, and south to the section line between sections twenty-nine (29), and thirty-two (32), thence west on said section line to the corner of sections twenty-nine (29), thirty (30), thirty-one (31), and thirty-two (32), thence south on section line between sections thirty-one (31) and thirty-two (32), to the shore of Green Bay. The Third ward shall include all that portion of said city lying west of said line running through the center of Elmore street as extended, and north of a line commencing at the center of Elmore and Hale streets, and running thence west along the center of said Hale street, extended west to the west line of Royce street, thence south on west line of Royce street to [the] east and west sub-division line running through the center of the south half of section thirty (30), thence west on said sub-division line to the western boundary of the corporation. The Fourth ward shall include all that portion of said city not included in the First, Second, or Third wards.

SEC. 3. An additional ward may be created for every additional two thousand inhabitants up to ten thousand inhabitants, and from ten thousand inhabitants one ward for each additional four thousand inhabitants.

SEC. 4. Whenever the council shall deem it expedient they may by ordinance enacted by a concurring vote of not less than two-thirds of the aldermen in office, re-district the city into wards, divide any ward or change the boundaries thereof, establish new wards, and increase the number of the wards of the city, within the limits prescribed in the preceding section.

SEC. 5. Upon the introduction of such ordinance the council shall require the city clerk to give notice thereof and of the change

proposed thereby in any ward or wards, by publishing such notice in some newspaper published in the city for three weeks before the council shall proceed to the passage of the ordinance.

SEC. 6. All wards which may be established by the council, and all changes in the existing wards, shall be bounded by streets, alleys, avenues, public grounds, streams of water, or corporation lines; and the wards, as established or changed, shall be composed of adjacent territory, and shall be as compact as may be; and in establishing, changing, or re-districting the wards it shall be so done as to give the several wards as nearly an equal number of inhabitants as may be practicable.

SEC. 7. No change in the boundary of any ward shall be made within thirty days next preceding an election therein. No election of aldermen or ward officers shall be held in any newly established ward, or in any ward on account of changes in the boundaries thereof previous to the next annual city election; nor shall the office of any alderman or other officer, elected in any ward be vacated by reason of any change in such ward, but any such alderman or other officer shall, during the remainder of his term, continue in office and to represent the ward, including the place of his residence at the time of the change of the boundaries of the ward, unless the office become vacant for some other cause.

SEC. 8. When by the erection of a new ward, two aldermen are to be elected therein at the same time, one of them shall be elected for one year, and one for two years, and the terms of each shall be designated on the ballots.

CHAPTER II.

EFFECT OF INCORPORATION.

SECTION 1. The city shall be a body politic and corporate under Name, etc. and by the name of the City of Escanaba; and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for the purposes for which it is incorporated, have a common seal and change the same at pleasure, and exercise all the powers in this act conferred.

SEC. 2. Judicial notice shall be taken in all courts and proceedings in this State of the existence of the City of Escanaba as Courts to take judicial notices of incorporation, etc. incorporated under this act, and of all changes at any time made in the corporate limits of the said city by the annexation of territory, thereto or otherwise, and of the boundaries of all wards, and of all changes made at any time in the boundaries of any ward in the city.

SEC. 3. All ordinances, by-laws, and resolutions in force in the village of Escanaba when this act shall take effect, and not inconsistent herewith, shall continue in full force and effect until repealed or amended by the council established by this act.

SEC. 4. All rights and property of any kind and description which were vested in the village of Escanaba under its former organization shall be deemed and held to be vested in the corpora-

Rights and property of village vested in corporation.

tion under this act, and no rights or liabilities either in favor of or against such corporation under its former organization existing at the time of the passage of this act, and no suit or prosecution of any kind shall be in any manner effected by such change, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the former corporation shall be deemed to be the debts and liabilities of the corporation under this act, and all taxes levied and uncollected at the time of such change shall be collected the same as if such change had not been made: *Provided*, That when a different remedy is given in this act which can be made applicable to any rights existing at the time of the incorporation of the city under or subject to this act, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

Proviso.**CHAPTER III.****ANNEXATION OF TERRITORY.****Annexation of territory.**

SECTION 1. The inhabitants residing upon any territory adjacent to the city incorporated under this act, may, at their own request, be annexed to said city in manner following:

Petition for, to board of supervisors.

SEC. 2. Application for such purpose shall be by petition to the board of supervisors of the county of Delta, and shall be signed by a majority of the freehold electors residing upon said territory. It shall contain the name or names of some person or persons, who are authorized to act as agent or agents of the petitioners in securing the annexation, and shall fully describe the said territory and be accompanied by an accurate map thereof, and with a list or census of the freehold electors residing upon such territory, made within sixty days next preceding the filing of said petition and verified by the affidavit of the person making such list. Notice of the time and place where the application will be made and of the object of the petition shall be given by publication of such notice in one of the newspapers of the city, and by posting copies thereof in five of the most public places upon said territory, at least one month before presenting said petition to the board. Proof of the publication and posting aforesaid shall be made by affidavit to be filed with the petition.

Notice of presentation of.**Action of supervisors on petition.**

SEC. 3. Said petition with the map, census list, and proofs mentioned in the preceding section may be presented to the board of supervisors at the time designated in said notice, and if no sufficient objection be made to appear thereto, the board may, by resolution reciting the filing and object of the petition and the description of said territory, consent to the annexation. Upon the passage of such resolution the clerk of the board shall make and certify a transcript thereof and a copy of said map to the city council.

Council may declare territory annexed.

SEC. 4. Upon receiving said transcript from the clerk of the board the city council may, by ordinance referring to the transcript and describing said territory, consent to the application and declare the territory annexed to the city, but a rejection of the application shall not bar new proceedings for the same purpose.

SEC. 5. If the application for annexation be accepted by the council, the city clerk shall make two copies of said transcript, and of the ordinance of annexation, and certify the same under his hand and the seal of the city to be correct, one of which certified copies shall be filed and recorded in the office of the secretary of State, and the other in the office of the county clerk of the county of Delta.

SEC. 6. Whenever the city shall desire to enlarge its corporate limits by the annexation of adjacent territory, the council may, by resolution describing the territory sought to be acquired, authorize its annexation, and shall in the same resolution designate the time when an application will be made to the board of supervisors of the county of Delta for that purpose.

SEC. 7. Notice of the intended application shall be given by publication of a copy of said resolution in one of the newspapers of the city, and by posting copies thereof in five of the most public places in the said territory at least one month before the time appointed for making the application. Proof of the publication and posting of said resolution as aforesaid shall be made by affidavit.

SEC. 8. Upon presenting a certified copy of said resolution and a map of the territory sought to be annexed, with proof of the publication and posting aforesaid to the board of supervisors, at the time designated in said resolution, the board, if no sufficient objection is made thereto, may, by resolution reciting the resolution of the council and describing such territory, consent and authorize the annexation thereof; and thereupon the clerk of the board shall certify a transcript of said resolution of consent with said map to the city council, whereupon the city council may, by ordinance referring to said transcript and describing the territory, declare the same annexed to the city, and the clerk shall then make and certify like copies of the ordinance and transcript as provided in section five of this chapter, and file the same for record in the offices of the secretary of State and of the county clerk of the county of Delta.

SEC. 9. Whenever certified copies of the ordinance of annexation and transcript of the resolution of the board of supervisors shall have been filed in the office of the secretary of State, as provided in sections five and eight, the territory therein described and sought to be annexed shall be deemed and taken to be a part and parcel of the city, and the inhabitants residing therein shall have and enjoy all the rights and privileges of the inhabitants within the original limits of the city. Certified copies of said ordinances and transcripts so filed in the office of the secretary of State or county clerk or of the record thereof shall be *prima facie* evidence of the matters therein stated, and of the legal annexation of the territory therein described.

Copy of ordinance of annexation to be filed.

Acquisition of territory by council.

Notice of application to supervisors.

Action of supervisors on application.

Certificate of clerk of board.

Ordinance of annexation.

When territory deemed part of city.

CHAPTER IV.

ELECTORS AND REGISTRATION.

Who are electors.

SECTION 1. The inhabitants of said city having the qualifications of electors under the constitution of the State, and no others, shall be electors therein: *Provided, however,* That no elector shall be entitled to vote on questions of raising money by tax, unless such elector has property liable to assessment in the city.

Proviso.

Where entitled to vote.

SEC. 2. Every elector shall vote in the ward where he shall have resided during the ten days next preceding the day of election. The residence of any elector not being a householder shall be deemed to be in the ward in which he boards or takes his regular meals.

Registration, meeting of board of.

SEC. 3. The parties hereinafter named as inspectors of election of the various wards of the said city shall, on the Friday and Saturday next preceding the city election, in the year eighteen hundred and eighty-three, sit as a board of registration subject to all the laws of the State of Michigan regarding the registration of electors, at the places hereinafter named for holding elections in the various wards, from nine o'clock in the forenoon to twelve o'clock noon, and from one o'clock to eight o'clock in the afternoon, and make a list of the qualified electors in each ward, and enter their names, together with the lot, block and street on which they reside, or other satisfactory description of their respective residences, in a book to be furnished for that purpose; and such book shall be the register of electors for such ward, and within three days after the election shall be deposited with the clerk of the city.

First election.

SEC. 4. The first election under this act shall be on the first Monday in April, in the year eighteen hundred and eighty-three. The first election in the first ward under this act shall be held on

First ward.

the first Monday in April, in the year eighteen hundred and eighty-three, at the office of Emil Glaser in said ward, and the inspectors of said election shall be Emil Glaser, Robert E. Morrell, Henry McFall, and Byron D. Winegar; the first election under this act in the second ward shall be held on the first Monday of April, in the

Second ward.

year eighteen hundred and eighty-three, at the Central Hotel office, in said ward, and the inspectors of said election shall be Emil Wickert, Luke D. McKenna, Frank H. Atkins, and Henry S. Look; the first election under this act in the third ward shall be held on the first Monday in April, in the year eighteen hundred and eighty-three, at the Hamacher Hotel on Ludington street, in

Third ward.

said ward, and the inspectors of said election shall be Peter M. Peterson, John Dinneen, Jacob Buckholtz, and Oliver E. Lewis; the first election under this act in the fourth ward shall be on the

Fourth ward.

first Monday in April, in the year eighteen hundred and eighty-three, at the carpenter shop of Columbus J. Provo, and the inspectors of said election shall be Edgar Brown, Emanuel St. Jacques, Eugene Gelzer, and Lester J. Barr.

Inspectors.

Notice of first election, and meeting of board of registration.

SEC. 5. At least five days before the first election in and for the new corporation, the persons mentioned in the previous section shall cause notice to be given, by hand-bills posted in five of the public

places, in each ward, and by publication in one or more newspapers, published in said city, of the time and place in each ward of holding such election, and of the city and ward officers to be elected, and of the place in each ward where the said inspectors of election will meet on the Friday and Saturday next preceding the election to make a registration of the electors of the new city corporation; and that no person, unless registered in such registry, can be permitted to vote at such election.

SEC. 6. Said inspectors in each ward shall procure books of ^{Books of regis-}_{try.} registry, of the form required by law for the registration of electors in cities, and may charge the same to the said city.

SEC. 7. Immediately after closing the polls, the inspectors of election shall, without adjourning, publicly canvass the votes received by them, and declare the result; and shall make a statement in writing, setting forth in words at full length, the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the number of votes so given for each person, which statement shall be certified under the hands of the inspectors to be correct; and they shall deposit such statement and certificate on the day of election, or on the next day, together with said poll lists and the register of electors, and the boxes containing said ballots in the office of the clerk of the village of Escanaba.

SEC. 8. The president and trustees of the village of Escanaba shall convene on Thursday next succeeding such first election at their usual place of meeting, and determine the result of the election, and what persons were duly elected at the said election to the several offices respectively; and thereupon the village clerk shall record such determination, showing what persons are declared elected to the several offices respectively, upon the record book of the said president and trustees of the said village of Escanaba, and shall, within five days, make a transcript thereof and file the same, duly certified by him as such clerk, with the county clerk in the county of Delta, which record so entered shall be sufficient notice of their election to all persons elected.

SEC. 9. All officers so elected at such first election, except justices of the peace, shall, within ten days after their election, take and subscribe the oath of office prescribed by the constitution of the State, and file the same with the village clerk of the village of Escanaba. Justices of the peace elected at such first election, shall take and file the oath of office with the county clerk of the county of Delta, within the same time and in the same manner as in cases of justices of the peace elected in townships.

SEC. 10. After such first election the aldermen of each ward shall constitute the board of registration therein, except as in this act otherwise provided. If by reason of a change of boundary in any ward, or the formation of a new ward, or other cause, there shall not be any or sufficient number of aldermen representing such ward to constitute a board of registration of two persons, the council shall supply the vacancy or appoint a board of registration for the ward.

Canvass of votes
by inspectors,
and statement of
result.

Certificate, poll
list, etc., to be
deposited with
village clerk.

Determination
of result of
election.

Record to be
made.

Certified trans-
cript to be filed.

Board of regis-
tration for sub-
sequent elec-
tions, etc.

**Registration in
new wards.**

SEC. 11. When changes shall be made in any ward or wards, or a new ward shall be formed in whole or in part from the territory of other wards, the boards of registration of the respective wards affected by the change shall meet previous to the time prescribed by law for giving notices of their sessions preceding the next election, and the name of each registered elector known to have been transferred by such change from one ward to another ward, or to the new ward, shall be copied into the register of the ward to which the transfer was made, and be stricken from the register of the ward from which the elector was transferred by the change.

Item.

SEC. 12. When a new ward shall be formed, the board of registration thereof, at its session next preceding the next election therein, shall make or complete a new register of the electors residing therein, and for that purpose shall remain in session two days; and notice of the formation of such ward, and that a new register of the electors will be made at that session, shall be given with the notice required by law to be given of such session of the board.

CHAPTER V.

OFFICERS.

City officers.

SECTION 1. In the city, incorporated under this act, there shall be the following city officers: A mayor, city marshal, city clerk, city treasurer, street commissioner, and four justices of the peace, who shall be elected by the qualified voters of the whole city.

Ward officers.

SEC. 2. In each ward a supervisor, two aldermen, two school inspectors, and a constable shall be elected.

**Appointed
officers.**

SEC. 3. The following officers shall be appointed by the council, viz.: A city attorney, city surveyor, and chief engineer of the fire department. The council may also from time to time provide by ordinance for the appointment of, and appoint, for such term as may be provided in the ordinance, such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.

**When appoint-
ments made.**

SEC. 4. Appointments to office by the council, except the appointments to fill vacancies, shall be made on the third Tuesday of April in each year, but appointment, which for any cause shall not be made on that day may be made at any regular meeting of the council.

Terms of office.

SEC. 5. The mayor, city marshal, city clerk, city treasurer, street commissioner, supervisors, and constables shall hold their offices for the term of one year from the first Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their offices. One alderman and one school inspector from each ward shall be elected annually for the term of two years from the first Monday in April of the year when elected and until his successor is elected and qualifies, except as

hereinafter provided. One justice of the peace shall be elected annually for the term of four years from the fourth day of July next after his election, except as hereinafter provided.

SEC. 6. At the first election held, as provided in chapter four of this act, there shall be elected two aldermen and two school inspectors from each ward, one of each for the term of one year, and one of each for the term of two years, who shall hold their respective offices until their successors shall be elected and qualified; and the term for which each is elected shall be designated upon the ballots cast for him.

SEC. 7. At the first election held, as provided in chapter four of this act, there shall be elected four justices of the peace, who shall hold their offices, one for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years, from the fourth day of July next after their election. The term for which each is elected shall be designated upon the ballots cast for him. The justices of the peace elected at said first election, except the one elected for four years, shall enter upon their duties as soon as they shall have filed the required bond and oath of office.

SEC. 8. All other officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the third Tuesday of April next after such appointment, and until their successors are qualified and enter upon the duties of their office, unless a different term of office shall be provided in this or in the ordinance creating the office.

SEC. 9. Justices of the peace elected for the full term of four years shall enter upon the duties of their offices on the fourth day of July next after their election. In all other cases officers shall enter upon the duties of their offices immediately upon taking the oath of office and giving the security, if any, required for the performance of the duties of the office. Vacancies in the offices of justices of the peace may be filled at any annual election in the city, and the justices of the peace so elected shall serve during the remainder of the unexpired term.

QUALIFICATION, OATH, AND BOND OF OFFICE.

SEC. 10. No person shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for a ward, he must be an elector thereof, and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city, or any board of officers thereof. All votes for, or any appointment of, any such defaulter shall be void.

SEC. 11. Justices of the peace, elected under this act, shall take and file an oath of office with the county clerk of the county of Delta, within the same time and in the same manner as in cases of justices of the peace elected in townships; and all justices of the peace elected for a term less than four years shall file their oath of office [offices] within ten days after their election. All other officers elected or appointed in the city shall, in ten days after

receiving notice of their election, or appointment, take and subscribe the oath of office prescribed by the constitution of the State, and file the same with the city clerk.

Bond of justice.

SEC. 12. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk, mentioned in the preceding section, the security for the performance of the duties of his office, required by law in the case of justices of [the] peace elected in townships; except that said official bond or security may be executed in presence of, and be approved by the mayor; and in case he shall enter upon the execution of his office before having filed his official oath and bond, or security, and such other bond or security to the city as may be required by law, or by any ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships; and every other officer elected or appointed in the city, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the city clerk such bond or security as may be required by law, or by any ordinance or requirement of the council, and with such sureties as shall be approved by the council, for the due performance of the duties of his office, except that the bond or security of the clerk shall be deposited with the city treasurer.

Sufficiency of sureties, how determined.

SEC. 13. The council, or mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act, or by any ordinance or direction of the council, shall inquire into the sufficiency of such sureties, and examine them under oath as to their property; such oath may be administered by the mayor, or any alderman, or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing, and be signed by him, and annexed to and filed with the bond or instrument to which it relates.

New bonds.

SEC. 14. The council may also, at any time, require any officer, whether elected or appointed, to execute and file with the clerk of the city new official bonds in the same, or in such further sums, and with new or such further sureties as said council may deem requisite for the interests of the corporation. And failure to comply with such requirement shall subject the officer to immediate removal by the council.

VACANCIES IN OFFICE.

Resignations.

SEC. 15. Resignations of officers shall be made to the council subject to their approval and acceptance.

Removal from city or ward to vacate office.

SEC. 16. If any officer shall cease to be a resident of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter, the office shall thereby be vacated.

Failure to file oath or bond.

SEC. 17. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may

declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

SEC. 18. A vacancy in the office of mayor, or of any alderman, ^{Filling vacan-}
occurring more than ninety days before an annual city election,
shall be filled by a special election. A vacancy in the office of any
alderman occurring within ninety days before an annual election,
and all vacancies in the office of justices of the peace, shall be
filled at the next annual election. A vacancy in the office of any
school inspector shall be filled by the board of education of the city,
for the unexpired portion of the term, from the ward in which
such vacancy may occur. Vacancies in any other office shall
be filled by appointment, by the council, within twenty days
after the vacancy occurs, or if the vacancy be in an elective office,
it may be filled by an election or appointment, in the discretion
of the council.

SEC. 19. The resignation or removal of any officer shall not, nor
shall the appointment or election of another to the office, exonerate
such officer or his sureties from any liability incurred by him or
them. <sup>Liability of
officers, etc.,
after resigna-
tion, etc.</sup>

SEC. 20. Whenever any officer shall resign or be removed from
office, or the term for which he shall have been elected or appointed
shall expire, he shall on demand, deliver over to his successor in
office, all the books, papers, moneys, and effects in his custody as such
officer, and in any way appertaining to his office; and every person
violating this provision shall be deemed guilty of a misdemeanor,
and may be proceeded against in the same manner as public officers
generally for the like offense, under the general laws of this State,
now or hereafter in force and applicable thereto; and every officer
appointed or elected under this act shall be deemed an officer
within the meaning and provision of such general laws of the
State. <sup>Delivery of
books, money,
papers, etc., to
successor.</sup>

CHAPTER VI.

ELECTIONS.

SECTION 1. An annual city election shall be held on ^{{the first Annual election.}
Monday in April in each year, at such place in each of the several
wards of the city as the council shall designate.

SEC. 2. Special elections may be appointed by resolution of the ^{Special elections.}
council, and held in and for the city, or in and for any ward
thereof, at such times and place or places as the council shall designate,
the purpose and object of which shall be fully set forth in the
resolution appointing such election.

SEC. 3. Whenever a special election is to be held, the council <sup>Notice of special
elections.</sup>
shall cause to be delivered to the inspectors of election in the ward
or wards where the same is to be held, a notice signed by the city
clerk, specifying the officer or officers to be chosen, and the ques-
tion or proposition, if any, to be submitted to the vote of the
electors, and the day and place at which such election is to be held,
and the proceedings and manner of holding the election shall be
the same as at the annual elections.

Time and manner of giving notice.

SEC. 4. Notice of the time and place or places of holding any election, and of the officers to be elected and the questions to be voted upon, shall, except as herein otherwise provided, be given by the city clerk at least eight days before such election, by posting such notices in three public places in each ward in which such election is to be held, and by publishing a copy thereof in a newspaper published in the city, the same length of time before the election; and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Ballot boxes.

SEC. 5. The council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

Opening and closing polls.

SEC. 6. On the day of elections, held by virtue of this act, the polls shall be opened in each ward at the several places designated by the council at nine o'clock in the morning, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. This section shall also apply to the time of the opening and closing the polls at the first election under this act. The inspectors shall cause proclamation to be made of the opening and close of the polls.

Inspectors of elections.

SEC. 7. The supervisor and two aldermen of each ward shall, except as in this act otherwise provided, constitute the board of inspectors of election. If by reason of the formation of new wards, or by a change in the boundaries of existing wards, or for any reason there shall not be a sufficient number of the officers last named in any ward to make a board of three inspectors, it shall be the duty of the council, at least one week before the election, to appoint a sufficient number of electors, who with the officers above named, if any, residing in the ward, shall constitute a board of three inspectors for the ward, and if at any election any of the inspectors above provided for shall not be present or remain in attendance, the electors present may choose *viva voce*, such number of such electors as with the inspector or inspectors present shall constitute a board of three in number, and such electors so chosen shall be inspectors at that election.

Chairman and clerks of board.

SEC. 8. The inspectors shall choose one of their number chairman of the board, and the others shall be clerks of election, or when necessary the board may appoint two other persons to be clerks of election, and the persons so appointed, and each person chosen or appointed as inspector of election shall take the constitutional oath of office, which oath either of the inspectors may administer.

Duties of inspectors.

SEC. 9. The inspectors of election, as specified in the last two sections, shall be inspectors of State, county, and district elections in their respective wards.

Manner of conducting elections.

SEC. 10. All elections held under the provisions of this act shall be conducted, as nearly as may be, in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such elections shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time

of holding the election, and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State.

SEC. 11. The electors shall vote by ballot; and the same ballot shall contain the names of persons designated as officers for the city, and as officers for the ward. The ballots cast upon any question or proposition submitted to be voted upon shall be separate, and be deposited in a separate box. Vote by ballot.

SEC. 12. If at any election vacancies are to be supplied in any office, or if any person is to be elected for less than a full term of [the] office, the term for which any person is voted to fill, the same shall be designated on the ballot. Ballots for vacancies.

SEC. 13. It shall be the duty of the inspectors, on receiving the vote, as specified in the last two sections, to cause the same, without being opened or inspected, to be deposited in the proper box provided for that purpose. The board shall also write, or cause to be written, the names [name] of electors voting at such elections, in two poll lists, to be kept by said inspectors of election, or under their direction. And such lists shall be so kept as to show the number and names of the electors voting upon any question or proposition submitted to the vote of the electors. Polling of ballots.

SEC. 14. Immediately after closing the polls, the inspectors of election shall, without adjourning, publicly canvass the votes received by them, and declare the result; and shall, on the same day, or on the next day, make a statement in writing, setting forth in words at full length, the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the number of votes so given for each person, and the whole number of votes given upon each question voted upon, and the number of votes given for and against the same, which statement shall be certified under the hands of the inspectors to be correct; and they shall deposit such statement and certificate on the day of election, or on the next day, together with said poll lists, and the register of electors, with the boxes containing said ballots, in the office of the city clerk. Canvass by inspectors.

SEC. 15. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this State, and the inspectors shall, in all other respects, except as herein otherwise provided, conform, as nearly as may be, to the duties required of inspectors of election at such general elections. Canvass same as general elections.

SEC. 16. The council shall convene on Thursday next succeeding each election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and thereupon the city clerk shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk of the Determination of result by council. Certificate.

county of Delta, and the other shall be filed in the office of the city clerk.

Tie vote. SEC. 17. The person receiving the greatest number of votes, for any office in the city or ward, shall be deemed to have been duly elected to such office; and if there shall be no choice for any office, by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

Notice to persons elected. SEC. 18. It shall be the duty of the city clerk, within five days after the meeting and determination of the council, as provided in section sixteen, to notify each person elected, in writing, of his election; and he shall also, within five days after the council shall appoint any person to any office, in like manner notify such persons of such appointment.

Neglect to file oath and bond to be reported. SEC. 19. Within one week of the time in which any official bond or oath of office is required to be filed, the clerk shall report in writing to the council the names of the persons elected or appointed to any office, who shall have neglected to file such oath, and requisite bond or security, for the performance of the duties of the office.

CHAPTER VII.

DUTIES AND COMPENSATION OF OFFICERS.—THE MAYOR.

Duties of the mayor. SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at meetings of the council, and shall, from time to time, give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws relating to the city, and the ordinances and regulations of the council are enforced. He shall also countersign all orders and warrants drawn on the city treasurer.

Conservator of the peace. SEC. 2. The mayor shall be a conservator of the peace, and may exercise, within the city, the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

Powers of removal or suspension. SEC. 3. The mayor may remove any officer appointed by him at any time, and may suspend any policeman for neglect of duty. He shall have authority at all times to examine and inspect the books, records, and papers of any agent, employé, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

SEC. 4. In the absence or disability of the mayor, or of any vacancy in his office, the president *pro tempore* of the council shall perform the duties of mayor.

ALDERMEN.

SEC. 5. The aldermen of the city shall be members of the council, ^{Duties of} _{aldermen.} and attend the meetings thereof, and act upon committees when thereunto appointed by the mayor or council. As conservators of the peace, they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. No alderman shall be elected or appointed to any other office in the city during the term for which he was elected as alderman.

CITY CLERK.

SEC. 6. The city clerk shall keep the corporate seal, and all the documents, official bonds, papers, files, and records of the city, not ^{Duties and} _{powers of.} by this act or the ordinances of the city entrusted to some other officer; he shall be clerk of the council; shall attend its meetings, record all its proceedings, ordinances, and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify, under the seal of the city, copies of the papers and records filed and kept in his office, and such copies shall be evidence in all places of the matters therein contained to the same extent as the original would be; he shall possess and exercise the powers of township clerk, so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations.

SEC. 7. The city clerk shall be the general accountant of the city; ^{Idem.} and all claims against the corporation shall be filed with him for adjustment; after examination thereof, he shall report the same with all accompanying vouchers and counter claims of the city, and the true balance as found by him, to the council for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, which warrant shall be countersigned by the mayor, designating thereon the fund from which payment is to be made, and to take proper receipts therefor. When any tax or money shall be levied, raised, or appropriated, the clerk shall report the amount thereof to the city treasurer, stating the object and funds for which it is levied, raised, or appropriated and the amounts thereof to be credited to each fund.

SEC. 8. The city clerk shall exercise a general supervision over ^{Idem.} all officers charged in any manner with the receipt, collection, and disbursement of the city revenues, and all the property and assets of the city; he shall have charge of all books, vouchers, and documents relating to the accounts, contracts, debts, and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys

received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping a separate account of each fund; when any fund is exhausted, the clerk shall immediately advise the council thereof.

**Financial report,
etc.** SEC. 9. The city clerk shall report to the council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require. He shall extend the taxes upon all assessment rolls.

CITY TREASURER.

Duties of. SEC. 10. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases, and evidence of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof. He shall pay no money out of the treasury, except in pursuance of and by authority of law, and upon warrants, signed by the clerk, and countersigned by the mayor, except as in this act otherwise provided, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of and be charged with all taxes and moneys appropriated, raised, or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund endorsed thereon by the clerk.

Monthly report. SEC. 11. The treasurer shall render to the clerk, on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. He shall also exhibit to the council annually, on the third Tuesday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited, and out of which such disbursements are made, and the balances remaining in each fund,

Annual report. which accounts shall be filed in the office of the clerk, and shall be published in one of the newspapers of the city.

Where filed. SEC. 12. Said treasurer shall take receipts for all moneys paid from the treasury, showing the amount, and fund from which payment was made, and the voucher or warrant upon which it was paid, and file the same with the clerk with his monthly report.

**Treasurer's
receipts.** SEC. 13. The city treasurer shall keep all moneys in his hands belonging to the city separate and distinct from his own moneys, and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidence of debt in his cus-

**Not to use public
money for pri-
vate purposes.**

tody or keeping, for his own use or benefit or that of any other person; any violation of this section shall subject him to immediate removal from office by the city council, who are hereby authorized in such case to declare the office vacant and to appoint his successor for the remainder of his term.

CITY MARSHAL.

SEC. 14. The city marshal shall be the chief of police of the city. As police officer he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city, are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him, in all proceedings for violations of the ordinances of the city; such process may be served anywhere within the State.

SEC. 15. He shall suppress all riots, disturbances, and breaches of peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the corporation, and pursue and arrest any person fleeing from justice in any part of the State. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk in the streets, until they shall become sober.

SEC. 16. The marshal shall report in writing and on oath to the council, at their first meeting in each month, all arrests made by him, and the cause thereof, and all persons discharged from arrest during the month; also, the number remaining in confinement for breaches of the ordinances of the city; the amount of all fines and fees collected by him. All moneys collected or received by the marshal, unless otherwise directed by this act, shall be paid into the city treasury, and the treasurer's receipt therefor shall be filed with the city clerk.

SEC. 17. The city marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services. He may appoint such number of deputies as the council shall direct and approve, who shall have the same powers and perform the same duties as the marshal, and for whose official acts he shall be in all respects responsible, and the marshal and his deputies shall have the same powers to serve and execute all process within the city limits as sheriffs or constables have by law to execute similar process.

CITY ATTORNEY.

SEC. 18. The city attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council and of all officers of the city, and shall act as the attorney and solicitor for

Powers and duties of.
the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute for offenses against the ordinances of the city.

CITY SURVEYOR.

SEC. 19. The city surveyor shall have and exercise in the city, the like powers and duties as are conferred by law upon county surveyors, and the like effect and validity shall be given to his official acts, survey, and plats as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications required by the council or officers of the city, relating to public improvements, buildings, grounds, and streets of the city.

STREET COMMISSIONER.

Powers and duties of.
SEC. 20. It shall be the duty of the street commissioner to perform, or cause to be performed, all such labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds, and parks within the city as the council shall direct to be done by or under his supervision, and to oversee and do whatever may be required of him in relation thereto by the council.

Monthly report of.
SEC. 21. He shall make a report to the council, in writing and on oath, once in each month, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor, the amount of material used, and the expense thereof, and the street or place where such material was used, or labor performed ; and further showing the items and purpose of all expenses incurred since his last preceding report, and no payment for labor or services performed, or for expenses incurred by him shall be made until reported on oath as aforesaid.

CONSTABLES.

Powers and authority.
SEC. 22. The constables of the city shall have the like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of the ordinances of the city.

Duties.
SEC. 23. The constables of the city shall obey all lawful orders of the mayor, aldermen, and chief of police, and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution, or regulation of the council, and for any neglect or refusal to perform any duty required of him, every constable shall be subject to a penalty of not less than five nor more than twenty-five dollars. Every constable before entering upon the duties of his office shall give such security for the performance of the duties of his office as is required of constables in townships, or as may be required by the council, and file the same with the city clerk.

Security for performance of duties.

SUPERVISORS.

SEC. 24. The supervisors of the several wards are authorized to perform the same duties in relation to the assessment of property that are imposed by law upon supervisors elected in townships, and they shall have the like powers and perform the like duties in all other respects as supervisors so elected, except as herein otherwise provided, so far as such powers and duties are required to be exercised and performed in their wards; they shall represent their several wards in the board of supervisors of the county in which the city is located, and shall have all the rights, privileges, and powers of the several members of such board of supervisors.

SEC. 25. The supervisors of the several wards shall select and return lists of grand and petit jurors to the clerk of the county, in the same manner and within the same time as the like duty is required to be performed by township officers.

SCHOOL INSPECTORS.

SEC. 26. The school inspectors of the city shall perform such duties in and for the city and for the public schools as are required of school inspectors elected in townships, so far as such duties are applicable or shall be required under this act. They shall also perform such duties as members of the board of education as are in this act prescribed.

JUSTICES OF THE PEACE.

SEC. 27. The justices of the peace elected in said city under the provisions of this act shall have and exercise therein and within the county the same jurisdiction and powers in all civil and criminal matters, causes, suits, and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of the State. They shall have authority to hear, try, and determine all actions and prosecutions for the recovery or enforcement of fines, penalties, and forfeitures for violations of this act, and for encroachments upon and injuries to any of the streets, alleys, and public grounds within the city, except in cases where jurisdiction is given to some other court. They shall have authority to hear, try, and determine all suits and prosecutions for the recovery and enforcement of fines, penalties, and forfeitures imposed by the ordinances of the city, and to punish offenders for violation of such ordinances as in the ordinance prescribed and directed, subject only to the limitations prescribed in section seventeen of chapter nine of this act.

SEC. 28. The proceedings in all suits and actions before said justices, and in the exercise of the powers and duties conferred upon and required of them, shall, except as otherwise provided in this act, be according to, and be governed by, the general laws applicable to courts of justices of the peace, and to the proceedings before such officers.

SEC. 29. Every justice of the peace shall enter in the docket kept by him the title of all suits and prosecutions commenced or prose-

cuted before him for violations of the ordinances of the city, and all the proceedings and the judgment rendered in every cause, and the items of all costs taxed or allowed therein; and also the amounts and dates of payment of all fines, penalties, and forfeitures, moneys, and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justice at all times to the examination of any person desiring to examine the same, and shall be produced by the justice to the council whenever required.

To make payments monthly of money in his hands.

SEC. 30. All fines, penalties, and forfeitures, collected or received by any justice of the peace, for or on account of violations of the penal laws of the State, and all fines, penalties, forfeitures, and moneys collected or received by such justice, for or on account of violations of any ordinances of the city, shall be paid over by such justice to the city treasurer on or before the third Tuesday of the month next after the collection or receipt thereof, and the justice shall take the receipt of the city treasurer therefor, and file the same with the city clerk.

Monthly report of

SEC. 31. Every such justice shall report, on oath, to the council, at the first regular meeting thereof in each month, the name of every person against whom a prosecution has been commenced, or judgment rendered, for any of the fines, penalties, or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution, and the amount thereof paid to the city treasurer since the last preceding report.

Fines and expenses.

SEC. 32. All fines recovered for the violations of the penal laws of the State, when collected and paid into the city treasury, shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city for violations of said criminal laws, and in punishing the offenders, shall be paid by the county in which the city is located.

Bond to the city.

SEC. 33. Each justice of the peace, in addition to any other security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the city, in a penalty of one thousand dollars, with sufficient sureties, to be approved by the mayor, which approval shall be endorsed upon the bond, conditioned for the faithful performance of the duties of justice of the peace, within and for the city.

Penalty for misconduct or neglect of duty.

SEC. 34. Any justice of the peace who shall be guilty of misconduct in office, or who shall willfully neglect or refuse to perform or discharge any of the duties of his office required by this act, or any of the ordinances of the city, shall be deemed guilty of a misdemeanor, and punishable accordingly, and may be suspended from office by the council during its pleasure.

To account for stolen property.

SEC. 35. Every justice of the peace of the city shall account on oath to the council, at their first meeting in each month, for all such moneys, goods, wares, and property seized as stolen property, as shall then remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by the ordinances of the city.

SEC. 36. In addition to the rights, powers, duties, and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties, and liabilities subject to and consistent with this act, as the council shall deem expedient, and prescribe by ordinance and resolution. Additional powers and duties of officers.

SEC. 37. The mayor and aldermen may each receive such salary, not exceeding thirty dollars per year, as may be prescribed by the council. The city marshal, city clerk, treasurer, city attorney, and chief engineer of the fire department shall each receive such annual salary as the council shall determine by ordinance. The compensation of supervisors for all services performed by them in connection with the making assessment rolls and reviewing the same, shall be such as the council may from time to time determine. Justices of the peace, constables, and officers serving process and making arrests, may, when engaged in causes and proceedings for violations of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city shall, except as herein otherwise provided, receive such compensation as the council shall determine. Compensation of officers.

SEC. 38. The salary or rate of compensation to any officer elected or appointed by authority of this act, shall not be increased or diminished during his term of office, and no person who shall have resigned or vacated any office shall be eligible to the same office during the term for which he was elected or appointed, when during the same time the salary or rate of compensation has been increased by the council: *Provided, however,* That aldermen and Not to be changed during term. supervisors may receive in addition to their salaries such compensation as the council may allow them for services on the board of registration and as inspectors of elections. Proviso.

CAPTER VIII.

THE CITY COUNCIL.

SECTION 1. The legislative authority of the city shall be vested in a council, consisting of the mayor, two aldermen elected from each ward, and the city clerk. Authority of, and of whom composed.

SEC. 2. The mayor shall be president of the council, and preside at the meetings thereof, but shall have no vote therein, except in case of a tie, when he shall have the casting vote. President.

SEC. 3. On the third Tuesday in April in each year, the council shall appoint one of their number president *pro tempore* of the council, who, in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions. In the absence of the president and president *pro tem.* the council shall appoint one of their number to preside; and for the time being he shall exercise the powers and the duties of the president *pro tem.* President pro tempore.

SEC. 4. The city clerk shall be clerk of the council, but shall have no vote therein. He shall keep a full record of all the proceedings of the council, and perform such other duties relating to Clerk of council.

his office as the council may direct. In the absence of the clerk, the council shall appoint one of their number to perform the duties of his office for the time being.

Aldermen to attend meetings of.

SEC. 5. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon.

Judge of election, etc., of members, meetings of.

SEC. 6. The council shall be judge of election returns, and qualification of its own members. It shall hold regular, stated meetings for the transaction of business, at such times and places within the city as it shall prescribe, not less than one of which shall be held in each month. The council shall by ordinance declare how special meetings shall be called.

Meetings to be public. Quorum.

SEC. 7. All meetings and sessions of the council shall be held in public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley, or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council, nor shall any resolution be passed or adopted except by a vote of the majority of all the aldermen elected to office, except as herein otherwise provided.

Acts of requiring two-thirds vote.

SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays and be so entered upon the journal as to show the names of those voting in the affirmative, and those in the negative; and within one week after any meeting of the council, all the proceedings and votes taken thereat shall be published in one of the newspapers of the city.

Appropriations, etc.

SEC. 9. The council may compel the attendance of its members and other officers of the city, at its meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct, by any member or any person present at any session of the council.

Manner of conducting business.

SEC. 10. The city attorney, city marshal, street commissioner, city surveyor, and chief engineer of the fire department shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their different departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

Publication of proceedings.

SEC. 11. The council shall have control of the finances, of all the property, real and personal, of the city corporation, except as may be otherwise provided by law.

Powers of, over members and others.

Who entitled to seats in.

Council to have control of finances, etc.

SEC. 12. Whenever by this act, or any other provisions of law, any power or authority is vested in, or duty imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.

SEC. 13. The council may provide by ordinance for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor.

SEC. 14. The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vonchers, and papers, relating to the finances and affairs of the city, or to official acts of any officer of the corporation, unless required by law to be kept elsewhere, to be deposited and kept in the office of the city clerk, and to be so arranged, filed, and kept as to be convenient of access and inspection, and all such records, books, and papers shall be subject to inspection by any inhabitants of the city, or other person interested therein, at all reasonable times, except such parts thereof as in the opinion of the council it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter, or destroy any such books, records, documents, or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State prison, not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

SEC. 15. No member of the council or alderman shall receive any compensation for his services, either as councilman, alderman, committeeman, or otherwise, except as herein provided.

SEC. 16. No member of the council or any officers of the corporation shall be interested directly, or indirectly, in the profits of any contract, job, work, or services, other than official services, to be performed for the corporation. Any member of the council, or officer of the city herein specified, offending against the provisions of this section, shall, upon conviction thereof, be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

SEC. 17. Any person appointed to office by the council by authority of this act, may be removed therefrom by a vote of the majority of the aldermen elect, and the council may expel any alderman, or remove from office any person elected thereto, by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provision shall be made by ordinance for preferring charges and trying the same; and no removal of an elective officer shall be made unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

SEC. 18. To enable the council to investigate charges against any

*Control of
finances and
property.*

*Standing com-
mittees.*

*Records, books,
etc., of, where
kept.*

*Penalty for
defacing or
destroying, etc.*

*Compensation
of members of.*

*Officers not to
be interested in
contracts.*

Penalty.

*Removal from
office, etc.*

Investigation of charges. officer, or such other matters as they may deem proper to investigate, the mayor, or any justice of the peace of the city is empowered, at the request of the council, to issue subpœnas or process by warrant to compel the attendance of persons and the production of books and papers before the council, or any committee thereof.

Powers of investigation. SEC. 19. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council, or chairman of such committee for the time being, shall have power to administer the necessary oath; and such council or committee shall have the same power to compel the witnesses to testify as is conferred or [on] courts of justices of the peace.

Auditing claims against the city. SEC. 20. The council shall audit and allow all accounts chargeable against the city; but no account, or claim, or contract shall be received for audit or allowance, unless it shall be accompanied with the affidavit of the person rendering it, or of some one in his behalf, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are indorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city, that it has never been presented, verified as aforesaid, to the council for allowance; or that the claim was presented without the affidavit aforesaid, and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

CHAPTER IX.

ORDINANCES.

Style, vote, and time of taking effect. SECTION 1. The style of all ordinances shall be, "The City of Escanaba ordains." All ordinances shall require, for their passage, the concurrence of the [a] majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

Powers of council as to fines, penalties and forfeitures. SEC. 2. When, by the provisions of this act, the council of the city has authority to pass ordinances for any purpose, they may prescribe fines, penalties, and forfeitures, not exceeding five hundred dollars, unless a greater fine or penalty is herein authorized, or imprisonment not exceeding six months, or both, in the discretion of the court, together with costs of prosecution, for each violation of said ordinances; and may provide that the offender, on failing to pay any such fine, penalty, or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding six months,

unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison or in the county jail of the county within which the city is located, or in such other prison or place of confinement in the State as the council may prescribe; and that the offender be kept at labor during such imprisonment. Such fine, penalty, forfeiture, and imprisonment, for the violation of any ordinance, shall be prescribed therein.

SEC. 3. On the same day or the next day after the passage of any ordinance, the clerk of the council shall present the same to the mayor, or other person performing the duties of mayor, for his approval. No ordinance shall be of any force without the written approval of the mayor or other person performing for the time being the duties of his office, unless he omit to return it to the clerk of the council with his objections thereto, within three days after its presentation to him, in which case it shall be deemed regularly enacted. If, after the return of the ordinance with the objections thereto as aforesaid, the same shall be passed or reenacted by a vote of two-thirds of all the aldermen elected, the ordinance shall be deemed to be regularly enacted, and the time of its reenaction shall be deemed to be the time of its passage by such two-thirds vote.

SEC. 4. At the time of presenting any ordinance to the mayor for his approval, the clerk of the council shall certify thereon, and also in the journal or record of the proceedings of the council, the time when the same was so presented, and shall also certify thereon, and in such journal or record, the time of the return of such ordinance, and whether approved or with objections, and shall, at the next meeting of the council report any ordinance returned with objections thereto.

SEC. 5. No ordinance shall be revived unless the whole, or so much as is intended to be revived, shall be reenacted. When any section of an ordinance is amended, the whole section, as amended, shall be reenacted.

SEC. 6. All ordinances, when approved by the mayor, or when regularly enacted, shall be immediately recorded by the clerk of the council, in a book to be called the "record of ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

SEC. 7. Within one week after the passage of any ordinance, the same shall be published in some newspaper printed and circulated within the city, and the clerk shall, immediately after such publication, enter upon the record of ordinances, in a blank space to be left for such purpose under the recorded ordinances, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

SEC. 8. In all courts having authority to hear, try, or determine any matter or cause arising under the ordinances of the city, and in all proceedings in the city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken

of the enactment, existence, provisions, and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations, or ordinances of the city, or any resolution adopted by the council thereof, the same may be read in all courts of justice and in all proceedings:

First, From a record thereof kept by the clerk;

Second, From a copy thereof, or of such record thereof, certified by the clerk, under the seal of the city;

Third, From any volume of ordinances purporting to have been written or printed by authority of the council.

CHAPTER X.

ENFORCEMENT OF ORDINANCES.

Commencing prosecution under.

Recovery of penalties, etc.

Summons.

Suits commenced by warrant.

Form of warrant.

SECTION 1. Prosecutions for violation of the ordinances of the city shall be commenced within two years after the commission of the offense; and shall be brought within the city.

SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction thereof, such penalty or forfeiture may be recovered in an action of debt, or in assumpit; and if it be a forfeiture of any property it may be sued for and recovered in an action of trover, assumpit, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid, or any other appropriate action.

SEC. 3. Such action shall be brought in the name of the city, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the case, shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violation of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action.

SEC. 4. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender.

SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the

suit, the pleadings and all proceedings upon the trial of the cause, ^{Proceedings.} and in procuring of the attendance and testimony of witnesses, and in the rendition of judgment, and the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be, to the provisions of law regulating proceedings in criminal cases cognizable by justices of the peace.

SEC. 6. If the accused shall be convicted, the court shall render ^{Rendition of} judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as are allowed by law.

SEC. 7. Every such judgment shall be executed by virtue of an ^{Execution of} judgment or warrant, specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If the judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

SEC. 8. The city shall be allowed the use of the jail of the county ^{City entitled to use of county jail.} in which it is located for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to, and committed to imprisonment, in such county jail or in the city prison, or other place of confinement provided by the city, or authorized by the ordinances of the city, and the sheriff or other keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

SEC. 9. All process issued in any prosecution or proceeding, for ^{To whom process directed.} the violation of any ordinance of the city, shall be directed to the city marshal, or to any constable of the city or county, and may be executed in any part of the State, by said officers or any other officer authorized by law to serve process issued by justices of the peace.

SEC. 10. It shall not be necessary in any suit, proceeding, or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provision thereof, in any complaint, warrant, process, or pleading therein; but the same shall be deemed sufficiently set forth or stated, by reciting its title and the date of its passage or approval, and it shall be a sufficient statement of the cause of action in any such complaint or warrant, to ^{How ordinances set forth in complaint, process, warrant, etc.}

- Statement.** set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval, and every court or magistrate, having authority to hear or determine the cause, shall take judicial notice of the enactment, existence, and provisions of the ordinances of the city, and the resolutions of the council, and of the authority of the city to enact the same.
- Trial by jury.** SEC. 11. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except when other provision is made, shall consist of six persons, and in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.
- Removal of cases to circuit court.** SEC. 12. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceeding into the circuit court for the county in which the city is located by appeal or writ of *certiorari*; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court shall be the same as on appeal and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgments, or remove the proceedings by *certiorari* into the circuit court; and the like proceedings shall be had therefor and thereon, and the like bond or surety shall be given as in cases of appeal and *certiorari* in civil causes tried before justices of the peace, except that the city shall not be required to give any bond or security thereon. The circuit court to which the cause shall be appealed or removed by *certiorari* shall also take judicial notice of the ordinances of the city, and the resolutions of the council, and of the provisions thereof.
- Bond on appeal, etc.** SEC. 13. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or person receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving such fine or penalty, or any part thereof, shall pay the same into the city treasury, except such fines as by the constitution are appropriated for library purposes, on or before the third Tuesday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.
- By whom fines receivable.**
- Monthly payment into city treasury.**

SEC. 14. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving such fine, who shall willfully neglect or refuse to pay over the same, as required by the foregoing provisions, shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

SEC. 15. Fines paid into the city treasury, for violations of the ordinances of the city, shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city.

SEC. 16. The circuit court of the county in which the city is located shall have jurisdiction to hear, try, and determine all causes arising under the ordinances of the city for violations thereof, when the fine or forfeiture imposed shall exceed two hundred dollars, or when the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in all such cases shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of criminal laws of the State, and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties, shall apply.

SEC. 17. The justices of [the] peace of the city shall have concurrent jurisdiction in all cases mentioned in the preceding section; but they shall not render judgment for more than two hundred dollars of the penalty or forfeiture imposed by any ordinance for the violation thereof; nor shall they sentence to imprisonment for a longer period than ninety days.

SEC. 18. In all prosecutions for violations of ordinances of the city, commenced by any person other than an officer of the city, the court may require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted.

CHAPTER XI.

GENERAL POWERS OF THE CITY CORPORATION.

SECTION 1. The city shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, viz.:

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct, or assemblies, and to punish for the same; to prevent and quell riot; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Second, To apprehend and punish vagrants, drunkards, disorderly persons, and common prostitutes;

Neglect to pay over fines.

Disposition of fines.

Jurisdiction of circuit court, etc.

Concurrent jurisdiction of justices.

Security for costs.

Additional powers and authority.

To prevent vice, etc.

Vagrants, etc.

- Nuisances.** *Third,* To prevent injury or annoyance from anything dangerous, offensive, or unhealthy ; to prohibit and remove anything tending to cause or promote disease ; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue, or remove the same ; and generally to determine and declare what shall be deemed nuisances ;
- Disorderly houses.** *Fourth,* To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof ;
- Billiard tables, etc.** *Fifth,* To regulate and license billiard tables, nine or ten-pin alleys or tables, and ball alleys, and to punish the keepers thereof ;
- Gaming.** *Sixth,* To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming ;
- Ale, beer, and porter houses.** *Seventh,* To regulate ale, beer, and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof ; and to require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe ;
- Spirituous liquors.** *Eighth,* To prohibit and prevent the selling or giving of any spirituous, fermented, or intoxicating liquors to any drunkard or intemperate person, minor, or apprentice, and to punish any person so doing ;
- Sports, shows, etc.** *Ninth,* To regulate, restrain, and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions and shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received ; lectures on historic, literary, or scientific subjects excepted ;
- Sabbath.** *Tenth,* To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation, or society, or other public meeting assembled for any lawful purpose, and to require all places of business to be closed on the Sabbath day ;
- Auctions.** *Eleventh,* To license auctioneers, auctions, and sales at auction, to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city ; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public biddings, or offers by the buyers or sellers, after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid by and to auctioneers ; but no license shall be required in case of sales required by law to be made at auction or public vendue ;
- Peddlers.** *Twelfth,* To license hawkers, peddlers, and pawnbrokers, and hawking and peddling ; and to regulate, license, or prohibit the sale of goods, wares, merchandise, refreshments, or any kind of property, or thing, by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device in the streets, highways, or in or upon the wharves, docks, open places or spaces, public grounds, or buildings in the

city, by sample or otherwise, or by taking orders for future delivery;

Thirteenth, To license and regulate wharf-boats, and to regulate wharf-boats, the use of tugs and other boats used in and about the harbor, and within the jurisdiction of the city;

Fourteenth, To establish, or authorize, license, and regulate ferries to and from the city, or any place therein, or from one part of the city to another, and to regulate and prescribe from time to time the charges and prices for the transportation of persons and property thereon;

Fifteenth, To regulate and license all taverns and houses of Taverns, etc. public entertainment; all saloons, restaurants, and eating houses;

Sixteenth, To license and regulate all vehicles of every kind Public vehicles, used for the transportation of persons or property for hire in the city;

Seventeenth, To regulate and license all toll-bridges within the Toll-bridges, city, and to prescribe the rates of passage over the same;

Eighteenth, To provide for and regulate the inspection of meats, Inspection of poultry, fish, butter, cheese, lard, vegetables, flour, meat, and other provisions, provisions;

Nineteenth, To regulate the inspection, weighing, and measuring Brick, lumber, of brick, lumber, firewood, coal, hay, and any article of merchandise; etc.

Twentieth, To provide for the inspection and sealing of weights Weights and measures;

Twenty-first, To enforce the keeping and use of proper weights Idem. and measures by vendors;

Twenty-second, To regulate the construction, repair, and use of Vaults, cisterns, vaults, cisterns, areas, hydrants, pumps, sewers, and gutters; etc.

Twenty-third, To prohibit and prevent, in the streets, or elsewhere Indecent exposure and obscene exhibition for sale, of indecent or obscene pictures, drawings, engravings and paintings, and books or pamphlets, and all obscene exhibitions and shows of every kind;

Twenty-fourth, To regulate or prohibit bathing in the rivers, Bathing. ponds, streams, and waters of the city;

Twenty-fifth, To provide for clearing the rivers, ponds, waters, and streams of the city, and the races connected therewith, of all driftwood and obnoxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the water thereof impure, unwholesome, and offensive; Purity of streams.

Twenty-sixth, To compel the owner or occupant of any Unwholesome places. grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter-house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove, or abate the same, whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of the city;

Twenty-seventh, To regulate the keeping, selling, and using of Gunpowder, etc. gunpowder, fire-crackers, and fire-works, and other combustible materials, and the exhibition of fire-works, and the discharge of fire-

his office as the council may direct. In the absence of the clerk, the council shall appoint one of their number to perform the duties of his office for the time being.

Aldermen to attend meetings of. SEC. 5. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon.

Judge of election, etc., of members, meetings of. SEC. 6. The council shall be judge of election returns, and qualification of its own members. It shall hold regular, stated meetings for the transaction of business, at such times and places within the city as it shall prescribe, not less than one of which shall be held in each month. The council shall by ordinance declare how special meetings shall be called.

Meetings to be public. Quorum. SEC. 7. All meetings and sessions of the council shall be held in public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley, or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council, nor shall any resolution be passed or adopted except by a vote of the majority of all the aldermen elected to office, except as herein otherwise provided.

Acts of requiring two-thirds vote.

Appropriations, etc.

Manner of conducting business.

Publication of proceedings.

Powers of, over members and others.

Who entitled to seats in.

Council to have control of finances, etc.

SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays and be so entered upon the journal as to show the names of those voting in the affirmative, and those in the negative; and within one week after any meeting of the council, all the proceedings and votes taken thereat shall be published in one of the newspapers of the city.

SEC. 9. The council may compel the attendance of its members and other officers of the city, at its meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct, by any member or any person present at any session of the council.

SEC. 10. The city attorney, city marshal, street commissioner, city surveyor, and chief engineer of the fire department shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their different departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

SEC. 11. The council shall have control of the finances, of all the property, real and personal, of the city corporation, except as may be otherwise provided by law.

SEC. 12. Whenever by this act, or any other provisions of law, any power or authority is vested in, or duty imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.

SEC. 13. The council may provide by ordinance for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor.

SEC. 14. The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vonchers, and papers, relating to the finances and affairs of the city, or to official acts of any officer of the corporation, unless required by law to be kept elsewhere, to be deposited and kept in the office of the city clerk, and to be so arranged, filed, and kept as to be convenient of access and inspection, and all such records, books, and papers shall be subject to inspection by any inhabitants of the city, or other person interested therein, at all reasonable times, except such parts thereof as in the opinion of the council it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter, or destroy any such books, records, documents, or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State prison, not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

SEC. 15. No member of the council or alderman shall receive any compensation for his services, either as councilman, alderman, committeeman, or otherwise, except as herein provided.

SEC. 16. No member of the council or any officers of the corporation shall be interested directly, or indirectly, in the profits of any contract, job, work, or services, other than official services, to be performed for the corporation. Any member of the council, or officer of the city herein specified, offending against the provisions of this section, shall, upon conviction thereof, be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

SEC. 17. Any person appointed to office by the council by authority of this act, may be removed therefrom by a vote of the majority of the aldermen elect, and the council may expel any alderman, or remove from office any person elected thereto, by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provision shall be made by ordinance for preferring charges and trying the same; and no removal of an elective officer shall be made unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

SEC. 18. To enable the council to investigate charges against any

Control of
finances and
property.

Standing com-
mittees.

Records, books,
etc., of, where
kept.

Penalty for
defacing or
destroying, etc.

Compensation
of members of.

Officers not to
be interested in
contracts.

Penalty.

Removal from
office, etc.

Investigation of charges. officer, or such other matters as they may deem proper to investigate, the mayor, or any justice of the peace of the city is empowered, at the request of the council, to issue subpoenas or process by warrant to compel the attendance of persons and the production of books and papers before the council, or any committee thereof.

Powers of investigation. SEC. 19. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council, or chairman of such committee for the time being, shall have power to administer the necessary oath ; and such council or committee shall have the same power to compel the witnesses to testify as is conferred or [on] courts of justices of the peace.

Auditing claims against the city. SEC. 20. The council shall audit and allow all accounts chargeable against the city; but no account, or claim, or contract shall be received for audit or allowance, unless it shall be accompanied with the affidavit of the person rendering it, or of some one in his behalf, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are indorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city, that it has never been presented, verified as aforesaid, to the council for allowance ; or that the claim was presented without the affidavit aforesaid, and rejected for that reason ; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

CHAPTER IX.

ORDINANCES.

Style, vote, and time of taking effect. SECTION 1. The style of all ordinances shall be, "The City of Escanaba ordains." All ordinances shall require, for their passage, the concurrence of the [a] majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

Powers of council as to fines, penalties and forfeitures. SEC. 2. When, by the provisions of this act, the council of the city has authority to pass ordinances for any purpose, they may prescribe fines, penalties, and forfeitures, not exceeding five hundred dollars, unless a greater fine or penalty is herein authorized, or imprisonment not exceeding six months, or both, in the discretion of the court, together with costs of prosecution, for each violation of said ordinances ; and may provide that the offender, on failing to pay any such fine, penalty, or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding six months,

unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison or in the county jail of the county within which the city is located, or in such other prison or place of confinement in the State as the council may prescribe; and that the offender be kept at labor during such imprisonment. Such fine, penalty, forfeiture, and imprisonment, for the violation of any ordinance, shall be prescribed therein.

SEC. 3. On the same day or the next day after the passage of any ordinance, the clerk of the council shall present the same to the mayor, or other person performing the duties of mayor, for his approval. No ordinance shall be of any force without the written approval of the mayor or other person performing for the time being the duties of his office, unless he omit to return it to the clerk of the council with his objections thereto, within three days after its presentation to him, in which case it shall be deemed regularly enacted. If, after the return of the ordinance with the objections thereto as aforesaid, the same shall be passed or reenacted by a vote of two-thirds of all the aldermen elected, the ordinance shall be deemed to be regularly enacted, and the time of its reenaction shall be deemed to be the time of its passage by such two-thirds vote.

SEC. 4. At the time of presenting any ordinance to the mayor for his approval, the clerk of the council shall certify thereon, and also in the journal or record of the proceedings of the council, the time when the same was so presented, and shall also certify thereon, and in such journal or record, the time of the return of such ordinance, and whether approved or with objections, and shall, at the next meeting of the council report any ordinance returned with objections thereto.

SEC. 5. No ordinance shall be revived unless the whole, or so much as is intended to be revived, shall be reenacted. When any section of an ordinance is amended, the whole section, as amended, shall be reenacted.

SEC. 6. All ordinances, when approved by the mayor, or when regularly enacted, shall be immediately recorded by the clerk of the council, in a book to be called the "record of ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

SEC. 7. Within one week after the passage of any ordinance, the same shall be published in some newspaper printed and circulated within the city, and the clerk shall, immediately after such publication, enter upon the record of ordinances, in a blank space to be left for such purpose under the recorded ordinances, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

SEC. 8. In all courts having authority to hear, try, or determine any matter or cause arising under the ordinances of the city, and in all proceedings in the city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken

Proof of ordinances in court.

of the enactment, existence, provisions, and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations, or ordinances of the city, or any resolution adopted by the council thereof, the same may be read in all courts of justice and in all proceedings:

First, From a record thereof kept by the clerk;

Second, From a copy thereof, or of such record thereof, certified by the clerk, under the seal of the city;

Third, From any volume of ordinances purporting to have been written or printed by authority of the council.

CHAPTER X.

ENFORCEMENT OF ORDINANCES.

**Commencement
prosecution
under.**

SECTION 1. Prosecutions for violation of the ordinances of the city shall be commenced within two years after the commission of the offense; and shall be brought within the city.

**Recovery of
penalties, etc.**

SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction thereof, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property it may be sued for and recovered in an action of trover, assumpsit, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid, or any other appropriate action.

Idee.

SEC. 3. Such action shall be brought in the name of the city, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the case, shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violation of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action.

**Suits com-
menced by
warrant.**

SEC. 4. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender.

**Form of war-
rant.**

SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the

suit, the pleadings and all proceedings upon the trial of the cause, *Proceedings.* and in procuring of the attendance and testimony of witnesses, and in the rendition of judgment, and the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be, to the provisions of law regulating proceedings in criminal cases cognizable by justices of the peace.

SEC. 6. If the accused shall be convicted, the court shall render *Judgment.* judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as are allowed by law.

SEC. 7. Every such judgment shall be executed by virtue of an *Execution of Judgment.* execution or warrant, specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If the judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

SEC. 8. The city shall be allowed the use of the jail of the county *City entitled to use of county jail.* in which it is located for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to, and committed to imprisonment, in such county jail or in the city prison, or other place of confinement provided by the city, or authorized by the ordinances of the city, and the sheriff or other keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

SEC. 9. All process issued in any prosecution or proceeding, for *To whom process directed.* the violation of any ordinance of the city, shall be directed to the city marshal, or to any constable of the city or county, and may be executed in any part of the State, by said officers or any other officer authorized by law to serve process issued by justices of the peace.

SEC. 10. It shall not be necessary in any suit, proceeding, or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provision thereof, in any complaint, warrant, process, or pleading therein; but the same shall be deemed sufficiently set forth or stated, by reciting its title and the date of its passage or approval, and it shall be a sufficient statement of the cause of action in any such complaint or warrant, to *How ordinances set forth in complaint, process, warrant, etc.*

~~Sec. 10.~~ ~~and shall be submitted, and will remain in force so long as it is in place, the act or ordinance complained of, and it shall be deemed to be a violation of an ordinance of the city, whether drawn by the city and the date of its passage or approval, and every court or magistrate, having authority to hear or determine the cause, shall take judicial notice of the enforcement, existence and provisions of the ordinances of the city, and the resolutions of the council, and of the ordinances of the city to enter the same.~~

~~Sec. 11.~~ ~~In all prosecutions for violation of the ordinances of the city, either party may require a trial by jury. Such jury, except when other provision is made, shall consist of six persons, and in trials commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes tried before such magistrate. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.~~

~~Sec. 12.~~ ~~Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceeding into the circuit court for the county in which the city is located by appeal or writ of certiorari; and the proceedings thereon, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court shall be the same as on appeal and certiorari in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgments or remove the proceedings by certiorari into the circuit court; and the like proceedings shall be had therefor and thereon, and the like bond or surety shall be given as in cases of appeal and certiorari in civil causes tried before justices of the peace, except that the city shall not be required to give any bond or security thereon. The circuit court to which the cause shall be appealed or removed by certiorari shall also take judicial notice of the ordinances of the city, and the resolutions of the council, and of the provisions thereof.~~

~~By whom fines remitted.~~ ~~Sec. 13. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or person receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving such fine or penalty, or any part hereof, shall pay the same into the city treasury, except such fines as by the constitution are appropriated for library purposes, on or before the third Tuesday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.~~

~~Monthly pay
ments into city
treasury.~~

SEC. 14. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving such fine, who shall willfully neglect or refuse to pay over the same, as required by the foregoing provisions, shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

SEC. 15. Fines paid into the city treasury, for violations of the ordinances of the city, shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city.

SEC. 16. The circuit court of the county in which the city is located shall have jurisdiction to hear, try, and determine all causes arising under the ordinances of the city for violations thereof, when the fine or forfeiture imposed shall exceed two hundred dollars, or when the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in all such cases shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of criminal laws of the State, and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties, shall apply.

SEC. 17. The justices of [the] peace of the city shall have concurrent jurisdiction in all cases mentioned in the preceding section; but they shall not render judgment for more than two hundred dollars of the penalty or forfeiture imposed by any ordinance for the violation thereof; nor shall they sentence to imprisonment for a longer period than ninety days.

SEC. 18. In all prosecutions for violations of ordinances of the city, commenced by any person other than an officer of the city, the court may require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted.

CHAPTER XI.

GENERAL POWERS OF THE CITY CORPORATION.

SECTION 1. The city shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, viz.:

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct, or assemblies, and to punish for the same; to prevent and quell riot; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Second, To apprehend and punish vagrants, drunkards, disorderly persons, and common prostitutes;

- Nuisances.** *Third*, To prevent injury or annoyance from anything dangerous, offensive, or unhealthy ; to prohibit and remove anything tending to cause or promote disease ; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue, or remove the same ; and generally to determine and declare what shall be deemed nuisances ;
- Disorderly houses.** *Fourth*, To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof ;
- Billiard tables, etc.** *Fifth*, To regulate and license billiard tables, nine or ten-pin alleys or tables, and ball alleys, and to punish the keepers thereof ;
- Gaming.** *Sixth*, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming ;
- Ale, beer, and porter houses.** *Seventh*, To regulate ale, beer, and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof ; and to require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe ;
- Spirituos liquor.** *Eighth*, To prohibit and prevent the selling or giving of any spirituous, fermented, or intoxicating liquors to any drunkard or intemperate person, minor, or apprentice, and to punish any person so doing ;
- Sports, shows, etc.** *Ninth*, To regulate, restrain, and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions and shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received ; lectures on historic, literary, or scientific subjects excepted ;
- Sabbath.** *Tenth*, To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation, or society, or other public meeting assembled for any lawful purpose, and to require all places of business to be closed on the Sabbath day ;
- Auctions.** *Eleventh*, To license auctioneers, auctions, and sales at auction, to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city ; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public biddings, or offers by the buyers or sellers, after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid by and to auctioneers ; but no license shall be required in case of sales required by law to be made at auction or public vendue ;
- Peddlers.** *Twelfth*, To license hawkers, peddlers, and pawnbrokers, and hawking and peddling ; and to regulate, license, or prohibit the sale of goods, wares, merchandise, refreshments, or any kind of property, or thing, by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device in the streets, highways, or in or upon the wharves, docks, open places or spaces, public grounds, or buildings in the

city, by sample or otherwise, or by taking orders for future delivery;

Thirteenth, To license and regulate wharf-boats, and to regulate wharf-boats, the use of tugs and other boats used in and about the harbor, and within the jurisdiction of the city;

Fourteenth, To establish, or authorize, license, and regulate ferries, ferries to and from the city, or any place therein, or from one part of the city to another, and to regulate and prescribe from time to time the charges and prices for the transportation of persons and property thereon;

Fifteenth, To regulate and license all taverns and houses of Taverns, etc., public entertainment; all saloons, restaurants, and eating houses;

Sixteenth, To license and regulate all vehicles of every kind Public vehicles, used for the transportation of persons or property for hire in the city;

Seventeenth, To regulate and license all toll-bridges within the Toll-bridges, city, and to prescribe the rates of passage over the same;

Eighteenth, To provide for and regulate the inspection of meats, Inspection of poultry, fish, butter, cheese, lard, vegetables, flour, meat, and other provisions, provisions;

Nineteenth, To regulate the inspection, weighing, and measuring Brick, lumber, of brick, lumber, firewood, coal, hay, and any article of merchandise; etc.

Twentieth, To provide for the inspection and sealing of weights Weights and measures;

Twenty-first, To enforce the keeping and use of proper weights Item, and measures by vendors;

Twenty-second, To regulate the construction, repair, and use of Vaults, cisterns, vaults, cisterns, areas, hydrants, pumps, sewers, and gutters; etc.

Twenty-third, To prohibit and prevent, in the streets, or elsewhere Indecent exposure and obscene exhibition for sale, of indecent or obscene pictures, drawings, engravings and paintings, and books or pamphlets, and all obscene exhibitions and shows of every kind;

Twenty-fourth, To regulate or prohibit bathing in the rivers, Bathing, ponds, streams, and waters of the city;

Twenty-fifth, To provide for clearing the rivers, ponds, waters, and streams of the city, and the races connected therewith, of all driftwood and obnoxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the water thereof impure, unwholesome, and offensive; Purity of streams.

Twenty-sixth, To compel the owner or occupant of any Unwholesome places, grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter-house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove, or abate the same, whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of the city;

Twenty-seventh, To regulate the keeping, selling, and using of Gunpowder, gunpowder, fire-crackers, and fire-works, and other combustible materials, etc., and the exhibition of fire-works, and the discharge of fire-

arms, and to restrain the making or lighting of fires in the streets, or other open spaces in the city;

Cellars, drains, etc. *Twenty-eighth*, To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same or to cause the same to be done by some proper officer of the corporation, and to assess the expense thereof on the lot or premises having such cellar, slip, barn, private drain, sink, or privy thereon;

Mock auctions. *Twenty-ninth*, To prohibit, prevent, and suppress mock auctions and every kind of fraudulent game, device, or practice, and to punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof;

Lotteries. *Thirtieth*, To prohibit, prevent, and suppress all lotteries for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing, or managing the same;

Hackmen, runners, etc. *Thirty-first*, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description, used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Paupers. *Thirty-second*, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city from any other place any paupers or other persons likely to become a charge upon the city, and to punish therefor;

Census. *Thirty-third*, To provide for taking a census of the inhabitants of the city whenever the council shall see fit, and to direct and regulate the same;

General authority to enact ordinances. *Thirty-fourth*, And further: The council shall have authority to enact all ordinances and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order, and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever.

Granting of licenses. SEC. 2. The council may prescribe the terms and conditions upon which license may be granted, and may exact and require payment of such sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revocable at pleasure, and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account

Revocation of licenses.

of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

SEC. 3. No license shall be granted for any term beyond the first Monday in May thereafter, nor shall any license be transferable; and the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or doing anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

SEC. 4. All sums received for license granted for any purpose, by the city, or under its authority, shall be paid into the city treasury to the credit of the contingent fund.

SEC. 5. The council shall have authority to permit any railroad company to lay its track and operate its road with steam locomotives in or across the public streets, highways, or alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such track, or the opening of any such road, except upon such terms and conditions.

SEC. 6. The council shall have power to provide for and change the location and grade of street crossings of any railroad track, to conform to street grades which may be established by the city from time to time; and to construct street crossings in such manner and with such protection to persons crossing thereat, as the council may require; and to keep them in repair; also, to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains within the city; but such speed shall not be required to be less than four miles per hour; and to impose a fine not less than five nor more than fifty dollars upon the company, and upon any engineer or conductor violating any ordinance regulating the speed of trains.

SEC. 7. The council shall have power to require and compel any railroad company, and any street railway company, to make, keep open and in repair, such ditches, drains, sewers, and culverts along and under or across their railroad tracks as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct; and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company shall neglect to perform any such requirement according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in a civil action before any court having jurisdiction of the cause.

SEC. 8. The council is authorized to enact all such ordinances Partition fences.

Terms for which issued.

Penalty for doing business without.

Laying of tracks in streets, etc., by railroad companies.

Grade of streets, and running of trains, etc.

and laws as it may deem proper, relative to the building, re-building, maintaining, and repairing of partition fences by the owners and occupants of adjoining lots, enclosures, and parcels of land in said city; and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments, and divisions, when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the

Fence viewers. council may appoint fence-viewers, and prescribe their duties and mode of proceeding in all cases relating to partition fences in said city.

Poor. SEC. 9. The council may make such provisions as they may deem expedient for the support and relief of poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of a director of the poor, of the city, and may prescribe his duties and invest him with such authority as may be proper for the due exercise of his duties.

CHAPTER XII.

POLICE.

Appointment of. SECTION 1. The council may provide, by ordinance, for a police force, and for the appointment by the mayor, by and with the consent of the council, such number of policeman [policemen] and night-watchmen as they may think necessary for the good government of the city, and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time, when in his judgment, the emergency or necessity may so require; and may provide for and appoint subordinate officers for the police, and night-watchmen.

Rules and regulations for government of. SEC. 2. The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and night-watchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredation. And the mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require; but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days.

Temporary police. SEC. 3. The city marshal, subject to the direction of the mayor, shall, as chief of police, have the superintendence and direction of the policemen and night-watchmen, subject to such regulations as may be prescribed by the council.

City marshal chief of.

SEC. 4. It shall be the duty of the police and night-watchmen and officers of the force, under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances, and breaches of the peace; and to pursue and arrest any person fleeing from justice, in any part of the State; to apprehend any and all persons in the act of committing any offense against the laws of the State, or the ordinances of the city, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaint to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the State; and at all times diligently and faithfully to enforce all such laws, ordinances, and regulations for the preservation of good order and the public welfare as the council may ordain; and to serve all process directed or delivered to them for service, and for such purposes the chief of police and every policeman and night watchman shall have all the powers of constables, and may arrest upon view and without process, any person in the act of violating any ordinance of the city or of committing any crime against the laws of the State. And the chief of police and any policeman may serve and execute all process in suits and proceedings for violations of the ordinances of the city, and [also] within the limits of the city any other process which, by law, a constable may serve.

SEC. 5. When employed in the service of process, policemen shall receive the same fees therefor as are allowed to constables for like services; when otherwise engaged in the performance of police duty they shall receive such compensation therefor from the city as the council may prescribe. Every policeman shall report on oath to the council, at its first meeting in every month, the amount of all moneys and fees received by him for services as policeman since his last preceding report, and the names of the persons from whom received, and the amount received from each.

SEC. 6. The mayor may suspend any policeman or night watchman for neglect of duty, misconduct, or other sufficient cause, and the council may remove from office any policeman appointed thereto at any time.

CHAPTER XIII.

CITY PRISON.

SECTION 1. The council shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment under the ordinances of the city, and for the employment of those imprisoned therein.

SEC. 2. All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of imprisonment,

either within or without the prison, under such regulations as the council may prescribe.

CHAPTER XIV.

PUBLIC HEALTH.

Preservation of, etc. SECTION 1. The council may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants of said city, and to prevent the introduction of malignant, infectious, or contagious diseases, within the city, or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto, or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the city limits, or to such hospital or place of treatment within the city as the council may prescribe, or the public safety may require.

Abatement of nuisances. SEC. 2. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the city; and may require any person, corporation, or company causing such nuisance, and the owner or occupant of any premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice and within such time, and in such manner as the council may by ordinance or resolution direct.

Cleaning unwholesome and offensive places. SEC. 3. If any cellar, vault, lot, sewer, drain, place, or premises in the city shall be damp, unwholesome, offensive, or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, or purified; or may require the owner or occupant, or person in charge of such lot, premises, or place, to perform such duty; and may require the owner or occupant of any building, fence, or structure which may be ruinous, or liable to fall and injure persons or property, to pull down or remove the same, or the council may cause the same to be done by the proper officers of the city.

Removal of dangerous structures. SEC. 4. If any person, corporation, or company shall neglect or refuse to remove any nuisance, or to perform any requirement to be made by or in accordance with any resolution of the council, or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city removing or abating such nuisance, or in causing such duty or requirement to be performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, corporation, or company. And in all cases where the city shall incur any expense for draining, filling, cleansing, or purifying any lot, place, or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon such lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same, or such part thereof as they shall deem proper, upon the lot or

premises upon, or on account of which such expense was incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises, and collected as a special assessment.

SEC. 5. The council, when they shall deem it necessary, may from time to time assign by ordinance certain places within the city for the exercising of any trade or employment offensive to the inhabitants, or dangerous to the public health; and may forbid the exercise thereof in places not so assigned, and may change or revoke such assignment at pleasure; and whenever a business, carried on at any place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment in such place.

SEC. 6. The council may purchase the necessary lands, and erect thereon, or otherwise provide one or more hospitals, either within or without the city limits, and provide for the appointment of the officers, attendants, or employés for the care and management thereof, and for the care and treatment therein of such sick and diseased persons as to the council or board of health of the city shall seem proper; and by direction of the council or board of health persons having any malignant, infectious, or contagious disease may be removed to said hospital and there detained and treated when the public safety may so require; and the council shall provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

SEC. 7. The council shall also have and exercise within and for the city, all the powers and authority conferred upon boards of health by chapter forty-six of the compiled laws of eighteen hundred and seventy-one, so far as the same are applicable and consistent with this act; and they may enact such ordinance as may be proper for regulating the proceedings and mode of exercising such powers and authority.

SEC. 8. The council, when deemed necessary, may establish a board of health for the city, and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule or regulation made by the board of health, or any officers thereof.

CHAPTER XV.

CEMETERIES.

SECTION 1. The city may acquire, hold, and own such cemetery or public burial place, or places, either within or without the limits

*Assignment of
places for dan-
gerous and offen-
sive business.*

Hospitals.

*Council to exer-
cise powers of
board of health.*

*Establishment
and powers of
board of health.*

Regulation of interment in. of the corporation, as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city, in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

Raising money for. SEC. 2. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary to purchase cemetery grounds, and for the improvement, protection and care thereof.

Trustees, term of offices, powers, and duties of, etc. SEC. 3. Whenever the city shall own, purchase, or otherwise acquire any cemetery or cemetery grounds, the council shall appoint three trustees, who shall be freeholders and electors within the city, and who, with the city clerk, shall constitute a board of cemetery trustees. The three trustees so appointed shall hold their offices for the term of three years, except that at the first appointment one shall be appointed for one year, one for two years, and one for three years from the third Tuesday in April of each year when appointed, and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed, for inattention to his duties, want of proper judgment, skill, or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation.

Organization of board of. SEC. 4. The board of cemetery trustees shall appoint one of their number chairman, and the city clerk shall be clerk of the board. The council may, by ordinance, invest the board with such powers and authority as may be necessary for the care, management, and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof, and in addition to the duties herein mentioned the board shall perform such other duties as the council may prescribe.

Care and management of grounds, etc. SEC. 5. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds, cause such grounds to be laid out into lots, avenues, and walks; the lots to be numbered and the avenues and walks to be named, and plats thereof to be made and recorded in the office of the city clerk. The board shall fix the price of lots, and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the city clerk, and be recorded in his office at the expense of the purchasers.

Superintendent, etc. SEC. 6. Said board shall appoint the necessary superintendents and employés for the cemetery, expend the money provided for the care and improvement of the grounds, and enforce the ordinances of the city made for the management and care thereof, and make such regulations for the burial of the dead, the care and protection of the grounds, monuments, and appurtenances of [the] cemetery, and the orderly conduct of persons visiting the grounds as may be consistent with the ordinances of the city and the laws of the State.

SEC. 7. All moneys raised for any public cemetery authorized by ~~cemetery fund~~^{General author-} this act, and all moneys received from the sale of lots therein or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose, except the purpose of such cemetery, and the board of trustees shall report to ~~Monthly report~~^{General author-} the council annually on the third Tuesday in March, and oftener when the council shall [so] require, the amount of all moneys received into and owing to the cemetery fund, and from what source and from whom, and the date, amount, items, and purpose, expenditures and liabilities incurred and to whom paid, and to whom incurred; and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

SEC. 8. The council, if the city owns a public burial ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control and regulate such cemetery or burial place, and the improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board of cemetery trustees. ^{General authority of council over cemeteries.}

SEC. 9. The council shall have power also to pass all ordinances ^{Church ceme-} deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to, or under the control of, any church, religious society, corporation, company, or association, and for the protection and preservation of the tombs, monuments, and improvements thereof, and the appurtenances thereto. ^{teries.}

CHAPTER XVI.

POUNDS.

SECTION 1. The council may provide and maintain one or more ~~pound-masters~~^{Fees and penal-} pounds within the city, and may appoint pound-masters, prescribe their powers and duties, and fix their compensation, and may authorize the impounding of all beasts, geese, and other fowls found in the streets or otherwise at large, contrary to any ordinance of the city; and if there shall be no pound or pound-master, they may provide for the impounding of such beasts, geese, and fowls, by the marshal, in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of pound-master.

SEC. 2. The council may [also] prescribe the fees for impounding, ^{Fees and penal-} and the amount or rate of expenses for keeping, and the charges ^{ties.} to be paid by the owner or keeper of the beasts, geese, or fowls impounded; and may authorize the sale of such beasts, geese, and fowls, for the payment of such fees, expenses, and charges, and for penalties incurred, and may impose penalties for rescuing any beasts or things impounded.

CHAPTER VIE.

WHARVES, DOCKS, AND LANDINGS.

~~Section 1.~~ The council shall have power to establish, construct, maintain, and control public wharves, docks, piers, landing places, and levees, basins, and canals, upon any lands or property belonging to or under the control of the city, and for that purpose the city shall have the use and control of the shore or bank of any lake, bay, or river within the city not the property of individuals, to the extent to which the State can grant the same, and the council may lease wharf and landing privileges upon any of the public wharves, docks, or landings, but not for a longer time than five years, and in such manner as to preserve the rights of all persons to a free passage over the same with their baggage.

~~Section 2.~~ The council shall have the authority also to require and cause all docks, wharves, and landings, whether upon public grounds or upon the property of private individuals, to be constructed and maintained in conformity with such grade as may be established therefor by the council, and prescribe the line beyond which any such wharf, dock, or landing shall not be constructed or maintained.

~~Section 3.~~ The council shall have authority to provide, by ordinance, for the preservation of the purity of the waters of any harbor, river, or other waters within the city, and within one-half of a mile from the corporate boundaries thereof; to prohibit and punish the casting or depositing therein any filth, logs, floating matter, or any injurious thing; to control and regulate the anchorage, moorage, and management of all boats, water-craft, and floats within the jurisdiction of the city: to prescribe the mode and speed of entering and leaving the harbor and of coming to and departing from the docks, wharves, and landing by boats, water-crafts, and floats, and to regulate and prescribe by such ordinances, or through a harbor-master or other officer, such location for any boat, craft, vessel, or float, and such changes of station in, and use of the harbor as may be required to promote good order therein, and the safety and convenience of all such boats, craft, vessels, and floats, and generally to enact and enforce such ordinances and regulations not inconsistent with the laws of the United States and of this State as in the opinion of the council shall be most conducive to the orderly, safe, and convenient use and occupancy of the harbor, and navigable waters, wharves, docks, piers, and landing places within the city.

~~Tugs and towage.~~ SEC. 5. The council may also license and regulate the use of tugs, and prescribe the rates and charges of towage within the harbor or other waters of the city, and regulate the opening and passage of bridges.

~~Appointment of harbor-masters, etc.~~ SEC. 6. The council may also appoint a harbor-master, wharf-master, port wardens, and such other officers as may be necessary for the enforcement of all such ordinances and regulations as the council may lawfully enact and prescribe in respect to and over the navigable waters, harbors, wharves, docks, landings, and basins

within the city, and in respect to the navigation, trade, and commerce of the city, and prescribe the powers and duties of such harbor-masters, and other officers, and to fix the compensation to be ^{compensation.} paid to them.

CHAPTER XVIII.

FERRIES.

SECTION 1. The council may regulate and license ferries from the city or any place or landing therein to the opposite shore, or from one part of the city to another; and may require the payment of such reasonable sum for such license as the council shall deem proper; and may impose such reasonable terms and restrictions in relation to the keeping and management of such ferries, and the time, manner, and rates of carriage and transportation of persons and property as may be proper; and provide for the revocation of any such license, and for the punishment, by proper fines and penalties, of the violation of any ordinance prohibiting unlicensed ferries, and regulating those established and licensed.

CHAPTER XIX.

MARKETS.

SECTION 1. The council shall have the power to erect market-houses, establish and regulate markets and market places for the sale of meats, fish, vegetables, and other provisions and articles necessary to the sustenance, convenience, and comfort of the inhabitants; to prescribe the times for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the vendors.

SEC. 2. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets; and may authorize the immediate seizure, arrest, and removal from the market, of any person violating its regulations, together with any articles in his or their profession [possession]; and may authorize the seizure and destruction of tainted or unsound meats, or other provisions exposed for sale therein.

CHAPTER XX.

PUBLIC BUILDINGS, GROUNDS, AND PARKS.

SECTION 1. The city may acquire, purchase, and erect all such buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary or convenient for the public good, and the execution of the powers conferred in this act; and such buildings and grounds, or any part thereof, may be sold, leased, mortgaged, and disposed of as occasion may require.

SEC. 2. When the council shall deem it for the public interest, ^{Acquisition, use of, etc.} grounds and buildings for city prisons, work-houses, hospitals, water-works, etc.

pest-houses, cemeteries, water-works, and other necessary public uses may be purchased, erected, and maintained beyond the corporate limits of the city, and in such cases the council shall have authority to enforce beyond the limits, and over such lands, buildings, and property, in the same manner, and to the same extent, as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, work-houses, or hospitals.

Parks.

SEC. 3. The council shall have authority to lay out, establish, and enlarge, or vacate and discontinue public grounds and parks within the city, and to improve, light, and ornament the same, and to regulate the care thereof, and to protect the same, and the appurtenances thereof, from obstructions, encroachments, and injury, and from all nuisances.

CHAPTER XXI.**SEWERS, DRAINS, AND WATER-COURSES.****Construction
maintenance,
etc.**

SECTION 1. The council may establish, construct, and maintain sewers and drains, whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor [thereof] in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds.

**Board of sewer
commissioners.**

SEC. 2. If the council shall deem it expedient, they may establish a board of sewer commissioners for the city, consisting of not less than three nor more than five persons, to have the management of the sewers and the charge of their construction; and may by ordinance prescribe their powers, compensation, term of office and duties.

**Plans of drain-
age.**

SEC. 3. Whenever it may become necessary, in the opinion of the council, to provide sewerage and drainage for the city, or any part thereof, it shall be their duty to devise, or cause a plan of drainage to be devised, for the whole city, or for such part thereof as they shall determine.

Item.

SEC. 4. Such plan shall, in the discretion of the council, be formed with a view of the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections, the districts to be so numbered and arranged as to be as nearly independent of each other as may be. Plots or diagrams of such plan, when adopted, shall be filed in the office of the city clerk.

**Division of main
sewer districts.**

SEC. 5. The main sewer districts may be divided into sub-sewer districts, in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer, and such lands as in the opinion of the council will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more branch sewers,

and such lands as in the opinion of the council will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

SEC. 6. The council may, however, provide for main or trunk sewers without reference to sewer districts, diagrams or plats of which shall be recorded in the office of the city clerk, in the book of sewer records.

SEC. 7. The cost and expense of establishing, making, and repairing all sewers shall be paid out of a fund set aside for that purpose to be called the "sewer fund."

SEC. 8. Before proceeding to the construction of any sewer, the council shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lands, lots, and subdivisions thereof, in the district, and the proposed route and location of the sewers, and the depth, grade, and dimensions thereof, and shall procure an estimate of the cost thereof. And they shall give notice, by publication for at least two weeks, in one of the newspapers of the city, of the intention to construct such sewer, and where said diagram and plat may be found for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested, with respect to such sewer.

SEC. 9. When the council shall determine to construct any such sewer, they shall so declare by resolution, designating the district and describing, by reference to the plat and diagram thereof mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and they shall cause such plat and diagram as adopted to be recorded in the office of the city clerk, in the book of sewer records.

SEC. 10. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises, and to keep such private drains in repair, and free from obstructions; and if such private drains are not constructed and maintained according to such requirements, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

SEC. 11. The owners or occupants of lots and premises shall have the right to connect the same at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the council shall prescribe.

SEC. 12. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and [to] carry into effect the powers herein conferred in respect to the drainage of the city.

CHAPTER XXII.

STREETS AND PUBLIC GROUNDS.

Control and repair of

SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks, and public grounds within the city, and shall cause the same to be kept in repair, and free from nuisance.

Care of streets not accepted by council.

SEC. 2. But the city shall not be responsible for the care, improvement, or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands, which had not been actually accepted, worked, and used by the public as a street or alley before the incorporation of the city under this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after such incorporation, unless the dedication shall be accepted and confirmed by the council by an ordinance specially passed for that purpose.

Laying out, altering, and vacating of streets.

SEC. 3. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate, or abolish any highway, street, or alley in the city, whenever they shall deem the same a public improvement; and if, in so doing, it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use; and the expense thereof shall be paid out of the general street fund.

Expense of Vacating streets.

SEC. 4. When the council shall deem it advisable to vacate, discontinue, or abolish any street, alley, or public ground, or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time, not less than four weeks thereafter, when they shall meet and hear objections thereto; notice of such meeting, with a copy of said resolution, shall be published for not less than four weeks before the time appointed for such meeting, in one of the newspapers of the city. Objections to such proposed action of the council may be filed with the city clerk, in writing, and if any such shall be filed, the street, alley, or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.

Survey of streets and record.

SEC. 5. The council may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and description thereof to be recorded in the office of the city clerk, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys, and public grounds opened, laid out, altered, extended, or accepted and confirmed by the council, to be recorded in like manner; and such record shall be *prima facie* evidence of the existence of such streets, alleys, or public grounds as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley, or public ground, shall also be recorded in said book of street records, and the records shall be *prima facie* evidence of all the matters therein set forth.

Grades.

SEC. 6. The council shall have authority to determine and establish the grades of all streets, avenues, alleys, and public grounds within the city, and to require improvements and buildings

**Notice of meeting to hear objections.
Filing objections.**

adjacent to or abutting upon such streets, alleys, or grounds to be made and constructed in conformity with such grade, and the council may change or alter the grade of any street, alley, or public ground, or any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the city clerk.

SEC. 7. The council shall have the power to grade, pave, plank, ^{Grading, paving, etc.} gravel, curb, and otherwise improve and repair the highways, streets, avenues, lanes, and alleys of the city. The term "paving" shall be deemed to include the construction of cross-walks, gutters, and curbing.

STREET REGULATIONS.

SEC. 8. The council shall have power to prohibit and prevent obstructions and incumbrances in and encroachments upon the public highways, streets, and alleys of the city, and to remove the same; and to punish those who shall obstruct, encumber, encroach, or maintain any encroachments upon or in any such highway, street, or alley; and to require all such persons to remove every such obstruction, incumbrance, and encroachment.

SEC. 9. The council may provide for and regulate the planting ^{Shade trees.} of shade and ornamental trees in the public ways, streets, and avenues of the city and for the protection thereof; and may light ^{Street lights.} the streets and public places and regulate the setting of lamps and lamp-posts therein, and protect the same.

SEC. 10. The council may regulate the making of all openings in and removal of the soil of the public streets, for the laying or repair ^{Digging in streets for laying pipes, etc.} of sewers, drains, tunnels, gas-pipes, water-pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of the soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe.

SEC. 11. The council may regulate the use of the public high-^{Regulation of use of.} ways, streets, avenues, and alleys of the city, subject to the right to travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where the loads of wood, coal, hay, and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use, or placing of signs, advertisements, and banners, awning posts, and telegraph poles in or over the streets; to prohibit immoderate riding and driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings, and gathering of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese, and other domestic animals or fowls in the streets, or elsewhere in the city, and to impose penalties upon the owners or keepers thereof per-

mitting the same, and to require and authorize the destruction of dogs found at large contrary to the ordinances of the city; to cleanse and purify the streets, and to prohibit, prevent, remove, and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon highway commissioners in townships.

Poll tax.

SEC. 12. The council shall have power to levy and cause to be collected in each year, a poll or capitation tax upon every male inhabitant of the city, between the ages of twenty-one and fifty years, excepting active members of the fire department, and such other persons as are exempted from the payment of such tax by the general law; and the council shall, by ordinances, prescribe the time and manner of assessing and collecting said tax, and the penalty for neglect or refusal to comply with the provisions of such ordinance. All taxes or moneys collected, and fines received by the city, pursuant to this section, shall be used exclusively for working and improving the highways, streets, lanes, and alleys of the city.

Money to be used exclusively for highway purposes.

CHAPTER XXIII.

SIDEWALKS.

Construction and expense of.

SECTION 1. The council shall have control of all sidewalks in the public streets and alleys of the city, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to construct and maintain sidewalks and cross-walks in the public streets and alleys, and charge the expense thereof upon the lots and premises adjacent to and abutting upon such walks.

Idem.

SEC. 2. The council shall also have authority to require the owners and occupants of lots and premises to construct and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials, and manner of construction, and within such time as the council shall by ordinance or resolution prescribe.

Removal of snow, etc.

SEC. 3. The council shall also have power to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth, and other nuisances.

Proceedings in case of neglect.

SEC. 4. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk, as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or to remove the snow, ice, and filth therefrom, or to remove and keep the same free from obstructions, encroachments,

incumbrances, or other nuisances, or shall fail to perform any other duty required by the council, in respect to such sidewalks, within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the amount of all expenses incurred by the council thereby ^{Expense of tax} shall be levied as a special assessment upon the lot or premises ^{on property.} adjacent to or abutting upon such sidewalk.

SEC. 5. The council shall have power to regulate and prohibit the placing of signs, awnings, awning-posts, and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in sidewalks, and of all vaults, structures, and excavations under the same, and to prohibit and prevent obstructions, incumbrances, or other nuisances upon the walk. ^{Regulations as to signs, awnings, etc.}

SEC. 6. It is hereby made the duty of the city to keep in good repair all sidewalks in the public streets and alleys of the city, and which shall be deemed highways, and the city shall be liable for all damages resulting to any person being lawfully thereon which shall be caused by any obstruction or incumbrance of any kind whatever, being over or upon such sidewalk, or by reason of any opening, hole, break or defect in such walk to the same extent that townships, cities, and villages are now liable, under the general laws of the State for similar obstructions, openings, holes, breaks, or defects upon public highways or streets, bridges, cross-walks, and culverts. Such damage [damages] may be recovered in an action of trespass on the case before any court of competent jurisdiction. ^{Liability of city for damages.}

SEC. 7. If any owner, occupant, or person in charge of any lot or premises shall neglect to repair any sidewalk, in front of or adjacent to such premises, or to remove any snow or ice therefrom, or to keep the same free from obstructions and incumbrances, in accordance with the requirements of the ordinances and regulations of the council, he shall be liable to the city for the amount of all damages which shall be recovered against the city for any accident or injury occurring by reason of such neglect. ^{Liability of owners for injuries.}

CHAPTER XXIV.

SPECIAL ASSESSMENT.

SECTION 1. The council shall provide by ordinance for the assessment of all special taxes, and whenever such special assessments shall have been made and shall remain unpaid for thirty days after notice thereof given in writing, whether the same be for expenses incurred by the city in building, repairing, altering, clearing, or otherwise improving any sidewalk, or for draining any lot or lots, tract or tracts of land, or for abating any nuisance thereon, or for any other expense incurred by virtue of this act or the ordinances of the city, which shall [should] have been incurred by the owner or occupant of the lot or lots, tract or tracts of land, the same shall be collected by suit at law in [a] court of competent jurisdiction in the name of the city, in an action of assumpsit, and the amount ^{Provision for, by ordinance.} ^{Collection of, by city, when unpaid, by suit.}

Lien. so due to the city together with the costs of the court, shall be a lien upon the lot or lots, tract or tracts of land so assessed therefor.

Judgment to be entered by court. SEC. 2. The court or magistrate before whom any such judgment shall be rendered shall, in rendering such judgment, certify in the record thereof upon what particular lot or lots, tract or tracts of land the same is a lien. A certified transcript of such judgment filed in the office of the register of deeds of the county in which said city is situated, shall be notice to all parties of the existence of such lien.

Effect of filing a transcript. SEC. 3. Such judgment shall be collected in the same manner as other judgments in civil actions, but no property, real or personal, liable to taxation, shall be exempt from levy and sale upon an execution issued thereon, but all executions issued upon such judgments, shall have inserted therein a clause commanding the officer to levy the same of the goods and chattels, lands and tenements of the defendant, excepting such goods and chattels as are by law exempt from taxation.

Collection of Judgment. SEC. 4. Either party to such action, or any party or parties interested in the premises, shall have all the rights of appeal or *certiorari* accorded to parties in other civil actions.

Appeal.

CHAPTER XXV.

APPROPRIATION OF PRIVATE PROPERTY.

Purposes for which private property may be appropriated. SECTION 1. Private property may be appropriated for public use in the city: For the purpose of opening, widening, altering, and extending streets, alleys, and avenues; for the construction of bridges; for buildings and structures for the fire department; for public grounds, parks, market places, and spaces; for public wharves, docks, slips, basins, and landings on navigable waters, and for the improvement of water courses for sewers, drains, and ditches; for water-works, and for necessary public buildings, hospitals, pest-houses, and public cemeteries. But such property shall not be taken therefor without the consent of the owner, unless the necessity for using the same, and the just compensation to be made therefor, shall be determined by a jury of twelve freeholders, residing in the city; nor shall any improvement requiring the taking of private property, be made, except with the concurrence of two-thirds of all the aldermen elected to office. The council may, however, acquire such property by negotiation and purchase.

Manner of acquiring. SEC. 2. When the council shall deem it necessary to make any public improvement, requiring the taking of private property not acquired by purchase, they shall so declare by resolution, describing the proposed improvement, and each parcel of land designed to be taken by metes and bounds, giving the names of the owners or persons interested therein, so far as known; and shall, in the same resolution, designate a justice of the peace of the city to whom an application will be made, at a time therein to be stated, for the impaneling of a jury to ascertain the necessity of using said land, and the just compensation to be made therefor.

By purchase.

Proceedings when seizure necessary.

SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice of the peace, and notice of the time and place of making such application, including a copy of said resolution, shall be given by publishing the same for three weeks in one of the newspapers of the city, the first publication of which shall be at least thirty days before the time fixed for the application, and a copy of said notice and resolution shall be served personally by the city marshal, or the sheriff of the county, at least two weeks before the time for said application, upon each person or owner interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found within the city, or elsewhere in the county; and if any such guardian, owner, or person interested in the premises, shall not be found within the city or county, a copy of said resolution or notice shall be posted upon the premises, to be taken the same length of time before making the application and return by the sheriff, or city marshal, of the service or posting of the copies of said notice and resolution, which return shall be conclusive as to the matters therein stated, and an affidavit of the publication of said notice and resolution shall be filed with the said justice, before, or at the time of making said application, and after the publication and ~~return of officer~~^{Service of notice.} service of posting of said notice as aforesaid, the owners and all persons interested in any of the lands sought to be taken for said improvement, shall take notice of, and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided.

SEC. 4. At the time appointed therefor in said resolution, or ~~impaneling jury.~~ at such other time as the proceedings shall be adjourned to by said justice, he shall, upon the application of the city attorney, cause the city marshal, or sheriff of the county, to make a list of the names of twenty-four disinterested freeholders, residing in said city, competent to serve as jurors. From said list the city attorney shall strike off six names, and the owner or owners and persons interested in said lands shall strike off six names, or, upon their failing to do so, the justice shall strike off six names for him or them; and thereupon the said justice shall issue a *venire*, directed to the city marshal, or sheriff of the county, to summon the twelve persons whose names remain upon said list, to appear before said justice, at a time and place in said *venire* to be named, not less than three nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution; and shall then adjourn the further proceedings in the matter to the return day of said *venire*. Said *venire* shall be served by the city marshal, or sheriff, as in other cases of *venire*. Said jurors shall be liable for non-attendance the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in those courts.

SEC. 5. At the time of making the application to the justice for the impaneling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or ^{Protection of infants and incompetent persons.}

^{Liability for non-attendance.}

her guardian appointed under the laws of this State; but if there should be no such guardian, or if no such guardian shall appear to represent such infant, or incompetent person, the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem*, to protect the interest of the person for whom he is so appointed.

Completing panel of jury.

SEC. 6. If upon the return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the justice shall require the marshal or sheriff to summon immediately a sufficient number of other competent freeholders of the city, until a panel of twelve qualified jurors shall be obtained. Each party, and every party having any interest in any of the lands, shall have the right to challenge any juror for cause, and the justice shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and if taken, to determine and award to each person entitled thereto the just compensation to be allowed for his or her interest in the land so taken.

Papers to be given to jury.

SEC. 7. When the jury shall have been sworn, the city attorney shall deliver to them a copy of the said notice and resolution of the council and a map or plat of the proposed improvement, showing the location and boundary of each parcel of land sought to be taken, and its position in relation to adjoining lands; and any person claiming an interest in any of the lands sought to be taken, although not named in said resolution as an owner or party interested, may then file with the justice a statement of his interests [interest] in, and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

Jury to examine premises, etc.

SEC. 8. The jury shall then, or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired, and testimony may be produced before them under the direction of the court, as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing the testimony the justice shall instruct the jury as to the provisions of this chapter relating to their duties.

Determination and award of jury.

SEC. 9. The jury shall consider upon each parcel of land described in the resolution of the council separately. If they shall find it necessary to take the same for the purposes of the improvement, they shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement; and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of land, as owners, mortgagees, lessees, or otherwise, they shall apportion to each such share of the damages awarded as shall be just. Damages for the taking of lands of any deceased person may be awarded to his estate.

SEC. 10. The jury shall make a report of their determination Report of jury. and awards in writing. They shall describe therein, by metes and bounds, each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the whole amount of damage [damages] occasioned by taking the same, the amount deducted therefrom, if any, for special benefits resulting from the improvement to the remainder of the lot or premises from which the part appropriated is taken and the net amount awarded as damages and compensation therefor; the name of the owner and of any persons having separate claims thereon by mortgage, lease, or otherwise, to whom said damages are awarded, and the amount awarded to each, and the date and the description of any mortgage, lease, or lien, by virtue of which such claim is made. When conflicting claims are made to any damage awarded, the jury, without deciding between the claimants, shall report the fact, by their names, and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the justice within ten days after the impaneling of the jury.

SEC. 11. The city attorney shall give such assistance to the jury City attorney to assist. in making up their report as they may require. The justice shall enter said report, and all the proceedings had in the cause before him, in his docket.

SEC. 12. A disagreement of the jury as to one or more distinct Disagreement of jury. parcels of land shall not affect the awards and reports in which they have agreed; and, upon any such disagreement, the justice may, on the motion of the city attorney, impanel a new jury in the same manner as provided for drawing the original jury, and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree; and a new jury may, in like manner, be had as often as necessary. If any juror during the when juror unable to act. course of the proceedings shall be unable to discharge his duties, the justice may appoint another in his place who shall have the like qualifications, and be sworn and exercise the same duties as the other jurors of the panel.

SEC. 13. Upon filing the report and award made by any jury with said justice, a copy thereof may be taken by the city attorney Copy of report, etc., for use of council. for the use of the council; and at any time thereafter, and within forty days after the impaneling of the jury making the report, the justice, upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein Judgment of confirmation. made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and awards shall be at an end, and a new jury and new proceedings may be had as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive Judgment final. as to all parties not appealing therefrom within the time prescribed in the next section.

SEC. 14. Any party aggrieved by the judgment of confirmation mentioned in the preceding section may, within ten days after the Appeal to circuit court.

entry thereof, appeal therefrom to the circuit court of the county by filing with the justice a claim of appeal in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein, and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the city in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to affect, and pay any cost that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal.

Bill of exceptions.

SEC. 15. At the time of filing said claim of appeal, the appellant shall present to the justice a statement, in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof, and of the claim of appeal, upon the city attorney, who may propose amendments to said bill. Within ten days after said bill is presented said justice if necessary, shall cause the same to be corrected according to the facts of the case, and sign the same; and within ten days thereafter said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with the clerk of said circuit court.

When court may remand case to justice.

SEC. 16. Upon filing the return of the justice, as mentioned in the preceding section, the circuit court shall have jurisdiction of the case; and upon the hearing thereof shall first consider the errors alleged in said claim of appeal, and if the proceedings are found invalid as to the party appealing on account thereof, the court shall remand the case, so far as affects the appellant, to said justice, and a new jury may be called and the like proceedings be had, as upon the original application for a jury. If no order affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term, upon the question as to the amount of damages to be awarded; but the finding of the jury before the justice, as to the necessity of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.

Appeal of one person not to affect others.

Judgment.

Costs.

SEC. 17. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and right of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him

Correction by justice, and filing of transcript.

When may proceed to trial.

before the justice, he shall pay costs to the city, otherwise the court shall award such costs to him as shall be just.

Sec. 18. Certified copies of any judgment of confirmation of the circuit court or of the justice of the peace, after the same has become final, and of the report of the jury thereby confirmed, and records of such copies made in the book of street records in the office of the city clerk, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired and to confirm the same.

Sec. 19. Within three months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the justice shall become final, the council may pay or tender to the respective persons the several amounts of damage and compensation awarded to them, as finally confirmed; and in case any such person shall refuse the same, be unknown or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case, with a statement of the facts relating thereto, in the treasury of the city, to the credit of the person or persons entitled thereto, and the same shall be paid on demand to any person entitled to receive it. No delay in making any award of damages, or in taking possession of any property, shall be occasioned by any doubt as to the ownership of the property, or as to the interest of the respective parties making claims thereto.

Sec. 20. Upon the payment, tender, or deposit, mentioned in the preceding section, the fee of the land sought to be taken, with the appurtenances, shall vest in the city, but the council shall have the right to occupy and use the land at any time after the expiration of thirty days from the date of the judgment of confirmation by the justice. A certificate of the treasurer of such payment, tender, or deposit, or a record of such certificate in the book of street records, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the city in the lands and property taken.

Sec. 21. In all cases where any real estate, subject to a lease or agreement, shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation in the circuit court, or upon the confirmation by the justice when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

CHAPTER XXVI.

FINANCE AND TAXATION.

SECTION 1. The fiscal year of the city organized under this act ~~fiscal year~~ shall commence on the third Tuesday in March in each year, unless otherwise provided by ordinance.

Sec. 2. The council of the city shall have authority, within the

- Raising money by taxation.** limitations herein prescribed, to raise annually by taxation, within the corporation, such sum of money as may be necessary to defray the expenses and pay the liabilities of the city, including the expense incurred for the incorporation thereof, and to carry into effect the powers in this act granted.
- Division into funds.** SEC. 3. The revenues raised by general tax upon all the property in the city, or by loan to be repaid by such tax, may be divided into the following general funds:
- Contingent fund.** *First,* Contingent fund, to defray the contingent and other expenses of the city, for the payment of which from some other fund no provision is made;
- Fire department fund.** *Second,* Fire department fund, to defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;
- General street fund.** *Third,* General street fund, to defray the expenses of opening, widening, extending, altering, and vacating streets and alleys and public grounds, and for grading, paving, curbing, graveling, and otherwise improving, repairing, and cleaning the streets, alleys, and public grounds of the city, and for the repair and construction of side-walks and cross-walks, and for the care thereof;
- Water fund.** *Fourth,* Water fund, for constructing reservoirs and cisterns, and providing other supplies of water;
- Police fund.** *Fifth,* Police fund for the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city;
- Interest and sinking fund.** *Sixth,* Interest and sinking fund, for the payment of the public debt of the city and the interest thereon;
- Other general funds.** *Seventh,* Such other general funds as the council may from time to time constitute.
- Amount may be raised by general tax.** SEC. 4. The aggregate amount which the council may raise by general tax upon the taxable, real and personal property in the city, for the purpose of defraying the general expenses and liabilities, and for all purposes for which the several general funds mentioned in section three of this chapter are constituted, shall not, except as herein otherwise provided, exceed in any one year, one per cent of the assessed value of all the real and personal property in the city made taxable by law.
- Further amount for sinking fund, etc.** SEC. 5. The council may also raise such further sum annually, not exceeding three mills on the dollar of the assessed valuation of the property in the city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city, and interest thereon.
- Estimate of expenditures.** SEC. 6. It shall be the duty of the council to cause estimates to be made in the month of September, in each year, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built, and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments, and for defraying

the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year.

SEC. 7. The council shall also, in the same month, determine the amount required to be raised in the next general tax levy, to meet any deficiencies for the current year.

SEC. 8. The council shall also, in the said month pass a resolution to be termed the annual appropriation bill, in which they shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, payable from the several general funds, and order the same, or so much of such amounts as may be necessary, to be raised by tax with the next general tax levy, or by loan, or both, and to be paid into the several general funds, of the city, but the whole amount so ordered to be raised by tax, or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the council is authorized by sections four and five of this chapter to raise by general tax during the year. The council shall specify in such resolution the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds. The council shall also designate in the appropriation bill, the sums, if any, required to be levied to meet any deficiency for the current year, and the disposition to be made of such moneys.

SEC. 9. All sums ordered in the annual appropriation bill in any year, to be raised for the several general funds, shall be certified to the clerk of the board of supervisors of the county, on or before the first Monday of October, and all such sums shall be levied and collected with the State and county taxes next thereafter to be levied in the city.

SEC. 10. After the passage of the annual appropriation bill, no further sums shall be used, raised, or appropriated, nor shall any further liability be incurred for any purpose to be paid from any general fund during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority vote of the qualified electors voting upon the proposition, at the next annual city election. But this section shall not prohibit the council from making any necessary repairs or expenditures, at a cost not exceeding five thousand dollars, the necessity for which was caused by casualty or accident happening after making the annual appropriation for the year, and from loaning the money therefor.

SEC. 11. No improvement, work, repairs, or expense to be paid for out of any general fund, excepting as herein otherwise provided, shall be ordered, commenced, or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor, in the last preceding annual appropriation bill; nor shall any expenditure be made, or liability be incurred in any such year, for any such work, improvement, repairs, or for any purpose exceeding the appropriation so made therefor; nor shall any expenditure be made, or money be paid out of any general

fund for any purpose, unless appropriated for that purpose in the said bill.

Tax levied before work commenced.

SEC. 12. No public work, improvement, or expenditure shall be commenced, nor any contract therefor be let or made, except as herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expenses thereof, and no such work or improvement shall be paid for, or contracted to be paid for, except from the proceeds of the tax or assessment thus levied, or from the proceeds of the liquor tax, licenses, fines, and other special resources of the city.

Loan for general fund.

SEC. 13. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner, in any year, for the purpose of the general fund, the council may, in its discretion, raise a part thereof by tax, and a part thereof by loan: *Provided*, That the aggregate amount of taxes and loans so raised and made shall not exceed the amount for which a tax might be levied for the same year.

Raising money by vote of electors.

SEC. 14. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvements, or purposes to be paid for from the general funds of the city, than can be raised by the council, under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the qualified electors, voting upon the question at an annual city election. The amount that may be voted or raised in any year, under the provisions of this section, shall not exceed two per cent of the assessed valuation of the property in the city, as shown by the last preceding tax-rolls made therein.

Limitation of amount.

SEC. 15. The proposition to raise such additional amount shall be submitted to a vote of the qualified electors, by a resolution of the council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such resolution shall be passed and published in one of the newspapers of the city, and copies thereof posted in five of the most public places in each ward of the city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

Submitting the question to vote.

SEC. 16. All moneys and taxes raised, loaned, or appropriated for the purposes of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other; nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund, at the close of any fiscal year: *Provided, however*, Moneys belonging to the contingent fund may be transferred to any of the other general funds at any time by a vote of two-thirds of the aldermen elect. All moneys received not otherwise appropriated shall be credited to the contingent fund.

Notice.

Vote.

Moneys credited to fund.

SEC. 17. No money shall be drawn from the treasury except in

pursuance of the authority and appropriation of the council, and upon the warrant of the clerk, countersigned by the mayor. Such warrants shall specify the fund from which it is payable, and shall be paid from no other fund.

SEC. 18. No loans shall be made by the council, or by its authority, in any year, exceeding the amount prescribed in this act. For any loans lawfully made, the bonds of the city may be issued, bearing a rate of interest not exceeding seven per cent. A record showing the dates, numbers, and amounts issued, and when due, shall be kept by the city clerk. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase the indebtedness of the city. Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable.

SEC. 19. Immediately upon the close of the fiscal year the council shall audit and settle the accounts of the city treasurer, and other officers of the city, and the accounts also, as far as practicable, of all persons having claims against the city, or accounts with it not previously audited; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year, for all purposes, and the amount raised for each fund, the amount levied by special assessments, and the amount collected on each, and the amount of money borrowed, and upon what time and terms, and for what purpose; also the items and amounts received from all other sources during the year, and the objects thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest; the amount of salary or compensation paid or payable to each officer of the city for the year, and such other information as shall be necessary to a full understanding of all the financial affairs of the city.

SEC. 20. Said statement signed by the mayor and clerk, shall be filed in the office of the city clerk, and a copy thereof published in one of the newspapers in the city, at least five days previous to the next annual city election.

SEC. 21. If any officer of the corporation shall directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation or any board thereof, to his own use, or shall, directly or indirectly, and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property may have been appropriated, raised, or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted, tried and convicted thereof, and, on conviction, may be punished by fine, not exceeding one thousand dollars, or by imprisonment in the State prison for a period not exceeding three years, or both, in the discretion of the court.

How money drawn from treasury.

Loans and bonds.

Auditing accounts at close of fiscal year.

Annual financial statement.

Statement to be filed.

OR Appropriation of public moneys to private uses.

Penalty.

CHAPTER XXVII.

ASSESSMENT AND COLLECTION OF TAXES.

Assessment of property.

SECTION 1. The supervisors [supervisor] of said city shall in each year make and complete an assessment of all the real and personal property within their respective wards liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner and within the same time as required by law for the assessment of property in the townships of the State, and in so doing they shall conform to the provisions of law governing the action of supervisors of townships performing like services, and in all other respects within their respective wards they shall, unless otherwise in this act provided, conform to the provisions of law applicable to the actions and duties of supervisors in townships, in the assessment of property.

In case of false claim of exemption.

SEC. 2. If any person residing in the city a part of the time during the year shall, in the opinion of any supervisor, unjustly or falsely claim exemption from taxation therein, on the ground that he or she has a residence, and is taxed or liable to taxation elsewhere than in said city, the supervisor shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and pay the tax levied in pursuance thereof, unless such person shall present to the officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property for the same year to such other collector or receiver of taxes.

Personal property.

SEC. 3. All personal property found in any ward may be assessed therein, whether the owner thereof resides in such ward or elsewhere. If there shall be any doubt as to the ward in which any person should be assessed for personal property belonging to such person, the board of review hereinafter mentioned may direct as to the ward in which the assessment shall be made, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for said property.

Equalization.

SEC. 4. For the purpose of assessing all property equally in the whole city, the supervisors of the several wards shall meet and confer together from time to time while making their assessment, and equalize their valuation in such manner as may be just.

Board of review.

SEC. 5. The supervisors of the several wards, together with the city attorney, shall constitute a board of review of assessments. At the time appointed by law for the review of assessments made by supervisors of townships, the said board of review shall meet at the office of the city clerk, and there proceed to review and correct the assessments made by the supervisors in the several wards, and for that purpose said board shall have the same powers and perform the same duties in all respects as boards of review in townships. Said board shall be and continue in session at and for the same time as is provided by law for boards of review in townships.

Notice of the time and place of the meeting of said board for the ^{Notice of meet-}
purposes aforesaid shall be given by the city clerk, by publication ^{ing of}
in one of the newspapers of the city at least one week before the
time for review.

SEC. 6. When the board shall have reviewed and corrected the ^{Certificate of}
assessment rolls of the several wards, they shall in addition to the ^{board.}
certificate required to be made by the supervisor, add their own cer-
tificate to each roll, signed by at least a majority of them, showing
that they have reviewed the roll, and within thirty days thereafter
each supervisor shall deliver his assessment roll to the city clerk,
to be filed in his office for the use of the council. The board of ^{Further powers}
^{of board.} review shall have authority to equalize, alter, amend, and correct
any assessment of [or] valuation, and to place upon the assessment
roll of the proper ward any taxable property, real or personal,
not already assessed, held, or owned by any person or persons,
and to strike from said roll any property wrongfully thereon.
The concurrence of a majority of the board shall be sufficient
to decide any question in altering or correcting any assessments.

SEC. 7. On or before the first Monday of October in each year ^{Certificate of}
the city clerk shall certify to the county clerk of the county in ^{amount to be}
which the city is located the aggregate amount of all sums which
the council require to be raised for the year for all purposes, by
general taxation upon all the taxable property of the whole city.

SEC. 8. Said county clerk as clerk of the board of supervisors of ^{Apportionment}
the county, shall apportion the amount to be raised, as mentioned ^{among wards.}
in the preceding section, among the several wards of the city,
according to the valuation of the property appearing upon the
assessment rolls of said several wards of the city for such year, as
equalized by the board of supervisors, and certify to the city clerk
of said city for assessment therein, the amounts so apportioned
to the several wards within five days after the board of supervisors
of the county shall have completed the equalization of the valua-
tion of the property in said wards, and in the townships of the
county for the year.

SEC. 9. The city clerk, at the time of levying State and county ^{Tax roll.}
taxes in the city for the year, shall levy in the same roll, upon
all the taxable property in the city, the amount certified to him
by the clerk of the board of supervisors, as provided in section
eight of this chapter, to be raised for the city, and also for school
and library purposes, placing the city taxes in one column, and
the school, library, one-mill, and school-house taxes in another
column, and shall place the State and county taxes in other
columns. The amount of the several taxes so levied upon each
valuation shall be carried into another column.

SEC. 10. The city clerk, upon completing the rolls, shall certify ^{Certificate of}
to the city treasurer the amounts of taxes levied in the rolls for ^{clerk, etc.}
State and county purposes, and he shall charge the amount thereof
to the city treasurer. The city treasurer shall bond to the ^{Bond of city}
county treasurer in the same manner as township treasurers are
required to do; and thereupon, and on or before the first Monday ^{Delivery of roll}
in December, the city clerk shall deliver the tax-rolls, with the ^{to collector.}

~~Warrants~~
Taxes levied therein as aforesaid to the city treasurer, with his warrant for the collection of the taxes therein, annexed thereto.

~~Taxes levied~~
~~Collection of taxes by city treasurer~~
Sect. 11. The warrants annexed to each roll shall state the several amounts levied therein to be paid into the city and county treasuries respectively, and shall command the city treasurer to collect from the several persons named in the said roll the several sums named in the last column thereof opposite their respective names, and the warrant shall authorize the treasurer, in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

~~New warrant~~
Sect. 12. All taxes levied in any ward tax-roll shall be and remain a lien upon the lands upon which they are levied, until paid.

~~Collection of taxes by city treasurer~~
Sect. 13. For the collection of all taxes the city treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall, for that purpose, have all the powers and authority conferred by law upon township treasurers for such purposes, and shall, when necessary, enforce the payment of the tax against any person by distress and sale of his goods and chattels, if any such can be found anywhere within the county.

~~Collection of taxes by city treasurer~~
Sect. 14. The county treasurer may issue new warrants to the city treasurer for the collection of taxes in the same manner and in the same cases and with the same effect, as such new warrant may be issued to township treasurers. The city treasurer may, and it shall be his duty, to proceed by suit in the name of the city for the collection of unpaid taxes, in the same cases, and under like circumstances in which township treasurers are authorized to proceed in that manner; and all the provisions of law applicable to suits and the evidence therein, brought by township treasurers in the name of their townships, for such purposes shall apply to suits brought by the city treasurer as aforesaid.

~~Collection of taxes by city treasurer~~
Sect. 15. For the purpose of assessing and levying taxes in the city for State, county, school, and library purposes, each ward shall be considered as a township, and all provisions of law relative to the collection of taxes levied in townships shall apply to the collection of taxes levied and assessed in said city, except as herein otherwise provided. For the purpose of collecting taxes and returning property for non-payment thereof, the treasurer shall perform the same duties and have the same powers as township treasurers, except as herein otherwise provided. For the collection of all taxes under this act the city treasurer shall be enabled to and shall receive the same emoluments and fees as are by law provided for township treasurers in rendering like services, except as herein otherwise provided.

~~Collection of taxes by city treasurer~~
Sect. 16. All the provisions of law respecting delinquent taxes levied in townships shall apply to all taxes levied in the city, and be referred to the county treasurer and the city in respect of taxes levied in the city, and debts to the county treasurer in delinquency, shall except as herein otherwise provided, be considered and treated as a township, and all provision in law for the sale in status or the payment in taxes levied for State,

county, and township purposes, and returned delinquent, shall apply to the return and sale of property for the non-payment of delinquent taxes levied in the city, except as herein otherwise provided.

CHAPTER XXVIII.

EDUCATION.

SECTION 1. The city incorporated under this act, together with the residue of the territory now included in the school district, shall constitute a school district. Such school district shall be a body corporate, by the name and style of the "Public school of the city of Escanaba," and shall possess the usual powers of corporations for public places [purposes]; and in that name may sue and be sued, and purchase, acquire, hold, and dispose of such real and personal property as is authorized to be purchased or acquired by this chapter, or the laws of this State.

SEC. 2. The school inspectors elected, as is provided in this act, shall constitute the board of education of the public schools of the city. They shall elect, from their own number annually, at such time as they shall designate, a president and secretary of the board. They shall meet from time to time, as they may determine, for the transaction of business, and shall keep a record of their proceedings. The president of the board shall have no vote, except in case of a tie. Any five members of the board shall constitute a quorum for the transaction of business, but a less number may meet and adjourn from time to time until a quorum shall be present. The city treasurer shall be the treasurer of the public schools.

SEC. 3. The board of education shall have the control and management of the property, interests, and affairs of the district, and of the schools organized, or that may be organized, therein. They shall establish and maintain such primary and graded schools as the public interest may require; and when deemed expedient, shall establish a high school for instruction in the higher branches of education, authorized by the school laws of the State. The schools of the district shall be public, and free to all children between the ages of five and twenty years, residing within the city; and shall be taught for such length of time, at least during each year, as in [is] or may be required by law in respect to school districts having a like number of children of the ages aforesaid.

SEC. 4. The board of education shall employ the teachers and instructors for the public schools, and determine their salaries and define their duties. They shall prescribe the courses of study to be pursued, the books to be used, classify the pupils as may be expedient, and provide the necessary apparatus and facilities for instruction, determine the rate of charges for instruction of pupils not resident in the city, make all regulations necessary or required, and determine the length of time the schools shall be taught each year, adopt rules for the regulations [regulation] and government of the schools and do whatever may be required to advance the interests of education.

To maintain library.

SEC. 5. Said board shall maintain a district library, and may apply to the purchase of books therefor, in addition to the amount received on account of fines and forfeitures, such sum annually as they may deem expedient.

Annual statement of.

SEC. 6. They shall publish annually a statement of the number of schools in the city, the number of teachers employed, and of the pupils instructed therein during the preceding year, and the branches of education pursued by them.

To designate and establish school sites, etc.

SEC. 7. The board of education shall have authority, and it shall be their duty, to designate and establish such number of sites for school-houses in the district as may be necessary, and to purchase and procure the lands therefor, and to erect and maintain thereon, in proper repair, convenient and suitable school-houses, and buildings for the use of the public schools, and to provide the proper furniture and appurtenances for such buildings and grounds. They may also lease lands and buildings for use of the schools, and may sell and dispose of any lands and property of the district, when no longer needed. They shall make and enforce all needful regulations for the protection and preservation of the school buildings, property and improvements of the district; and the council shall also pass all necessary ordinances for that purpose.

To cause census to be taken annually.

SEC. 8. The board shall cause a census to be taken annually, of all the children between the ages of five and twenty years, residing in the district, within the time and in the manner required by law, and report the same, and make and transmit all other necessary reports to the proper officers, as designated by law, in order that the district may receive its share of the primary school funds and library moneys. For the purpose of distribution of the primary school funds and moneys collected from fines and penalties, the city shall be considered the same as a township; and said board shall be entitled to receive from the county treasurer, or other officer, for the use of the public schools, all moneys appropriated or apportioned to the city for the primary schools and district libraries.

Reports and statements of board to be published.

SEC. 9. Said board shall publish from time to time, in one of the newspapers of the city, a full report of all the proceedings of their meetings, relating to the finances and expenditures of the district. They shall also in the month of September in each year, make and publish a statement of all the receipts and expenditures of the district for the preceding year, showing the items thereof, the sources of income, the amount of salaries paid to officers, teachers, and employés, and to whom paid; the obligations incurred during the year, and the amount of indebtedness outstanding, and to whom payable; and also the estimates required to be made, as in the next section mentioned, of the expenditures for grounds and buildings, and for the support of the schools for the ensuing year, and the items thereof, all of which shall be recorded with the proceedings of the board.

Board to make estimates of amounts necessary to be raised, etc.

SEC. 10. The board shall also make and deliver to the city council, annually, in the month of September, an estimate and report of the amounts necessary to be raised in addition to other school funds for the entire support of the public schools,

For what purposes city considered as township.

including fuel, pay of teachers, repairs and other incidental expenses, and the payment of interest and indebtedness falling due, and for the purchase of grounds and the construction of school buildings and support of the library, and for all purposes of expenditure which the board is authorized or required to make during the ensuing year, specifying the different objects of expense as particularly as may be; which sum so reported the council shall cause to be raised by tax upon all the taxable property in the city, with the general city taxes next thereafter to be raised: *Provided*, That ^{Proviso.} the amount so to be raised in any one year for the purchase of grounds and erection of buildings, and for payment of indebtedness and interest therein incurred for grounds and buildings, shall not exceed one per cent; and the amount for the support of the schools, and for all the other purposes above mentioned, shall not exceed one and one-half per cent on the dollar of the taxable valuation of the real and personal property in the city, as shown by the tax rolls of the preceding year.

SEC. 11. For the payment of current expenses, the board may <sup>Power of board
to borrow money
and issue bonds.</sup> borrow, from time to time, in anticipation of the collection of taxes levied, or herein authorized to be levied during the same year for school purposes, such sum not exceeding the tax, and to be paid therefrom, as they may deem expedient. For the purchase of grounds, the erection of school buildings, and for the payment of indebtedness incurred for such purposes, the said board may, in addition to all other sums, herein authorized to be raised, borrow from time to time upon such terms and time as they shall find expedient, any sum, not exceeding in any one year one per cent of the taxable valuation of the property in the district. For any sums borrowed, and for the renewing of former loans, the board may issue the bonds of the public schools of the city, for payment of which the faith of the district shall be pledged.

SEC. 12. Should any greater sum be required in any one year than can be raised under the provisions of the foregoing sections such sum, not exceeding one per cent of the taxable valuation of the property in the city for the preceding year, may be raised by tax or loan, if authorized by a majority vote of all the qualified electors of the district present at any special meeting appointed and called by the board for the purpose of voting thereon. Notice of the time and place and object of any such meeting shall be given by publishing such notice in one of the newspapers of the city, and by posting copies thereof in five public places in the city, at least ten days before the meeting. <sup>Raising of
money by vote
of electors.</sup>

SEC. 13. The treasurer shall give bond to the public schools of <sup>Treasurer to
give bond, etc.</sup> the city, in such sum and with such sureties as the board of education shall approve, conditioned for the faithful performance of the duties of his office; such bond shall be filed with the secretary of the board before such treasurer shall enter upon the duties of his office. All school and library moneys receivable from the county treasurer and from the collection of taxes, and other sources shall be deposited with the treasurer of the public schools, and shall not be used, applied to, or paid out for any purpose except upon the <sup>Where moneys
deposited, and
how paid out.</sup>

Receipts to be taken from treasurer.

Compensation and duties of secretary.

Rights to property and liability for debts.

Establishment and maintenance of.

Fire engines, cisterns, etc.

Buildings for use of.

written order of the president, countersigned by the secretary of the board. Any officer or person, paying to the treasurer any money belonging to the public schools, shall take duplicate receipts therefor, and transmit one of them to the secretary of the board.

SEC. 14. The secretary of the board shall receive such compensation for his services as such officer as the board shall determine, and shall perform all the duties required by law of directors of school districts under the general school laws of the State, except as herein otherwise provided; no other member of the board shall receive compensation. No member of the board shall be a party to or interested in any contract with the public schools.

SEC. 15. All the school buildings, property, and effects situated in school district number one of the township of Escanaba, in the county of Delta, in this State, at the time this act takes effect shall be vested in, and be the property hereby designated as the public schools of the city; and all the debts and liabilities of said school district number one shall be the debt of and be paid by the district hereby incorporated; and all contracts existing between said school district number one and all persons shall be deemed and considered contracts between the district hereby created and such persons. Any tax levied and uncollected in such former district shall be collected and enforced as if such new incorporation had not taken place.

CHAPTER XXIX.

FIRE DEPARTMENT.

SECTION 1. The council shall have power to enact such ordinance, and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose may establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employés, firemen, and officers thereof; and for the care and management of the engines, apparatus, property, and buildings pertaining to the department; and prescribing the powers and duties of such employés, firemen, and officers: *Provided, however,* Volunteer fire companies shall have the privilege of electing their own officers.

SEC. 2. The council may purchase and provide suitable fire engines, and such other apparatus, instruments, and means for the use of the department as may be deemed necessary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds, and other suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.

SEC. 3. The council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams, and fire apparatus of the department.

SEC. 4. The chief engineer of the fire department shall be the head

of the department and subject to the direction of the mayor; shall ^{Chief engineer.} have the supervision and direction of the department, and the care and management of the fire engines, apparatus, and property, subject to such rules and regulations as the council may prescribe; the council may appoint such assistant engineers and other officers ^{Assistant engineer.} of the department as may be necessary.

SEC. 5. The chief engineer, mayor, chief of police, and any alderman or officer of the fire department may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall willfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest, or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished, and in addition thereto he shall be punished in such manner as may be prescribed by the ordinance [ordinances] of the city.

SEC. 6. The council may provide by ordinance, for the appointment of, any [and] may appoint such number of fire-wardens as may be deemed necessary; and for the examination by them, from time to time, of the stoves, furnaces, and heating apparatus, and devices in all the dwellings, buildings, and structures within the city, and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe, with respect to fire, to be put in a safe condition.

SEC. 7. The council may prescribe by ordinance, from time to ^{Fire limits.} time, limits or districts within the city, within which wooden buildings and structures shall not be erected, placed, or enlarged, and to direct the manner of constructing buildings within such districts, with respect to protection against fire, and the material of which the outer walls and roof shall be constructed.

SEC. 8. The council may also prohibit within such places or district as they shall deem expedient the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood, or easily inflammable material, in open places, when, in the opinion of the council, the danger of [from] fire is thereby increased. They may regulate the storing of ^{Location of} ^{Storing of gun-} gunpowder, oils, and other combustible and explosive substances, ^{shops, lumber yards, etc.} and the use of lights in buildings; and generally may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

SEC. 9. Every building or structure which may be erected, placed, enlarged, or kept, in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by direction of the council.

SEC. 10. The officers, firemen, and employés of the department shall receive such compensation as the council may prescribe, and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property, in consequence of the performance of his duty at any fire.

SEC. 11. The chief engineer in charge of the department at any

Pulling down buildings in case of fire. fire, with concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire, and no action shall be maintained against any person or against the city therefor;

Compensation. but if any person having an interest in the building shall apply to the council, within three months after the fire, for damages or compensation for such building, the council may, in their discretion, pay him such compensation as may be just. They may ascertain such damage by agreement with the owner, or by the appraisal of a jury, to be selected in the same manner as in case of juries to appraise damages for taking private property for public use; and the council may cause the amount of any damages determined upon to be paid out of the contingent fund.

Control of water craft, with regard to fire. SEC. 12. The council of said city may by ordinance prescribe such regulations to be observed by owners, masters, and employés of steamboats and water crafts upon any navigable waters adjacent thereto as may be necessary for the preservation [prevention] of fires in the harbor, and to prevent the communication of fire from such boats and crafts; and may prescribe in such ordinance the manner of collecting any penalties imposed thereby.

CHAPTER XXX.

MISCELLANEOUS.

Process, service of, etc. SECTION 1. All process against the city shall run against the city in the corporate name thereof, any [and] may be served by leaving a certified copy with the mayor, city clerk, or city attorney, at least ten days before the day of appearance mentioned therein; and justices of the peace shall have jurisdiction of all actions against the city where the debt or damages claimed do not exceed one hundred dollars.

Laying out and plattting additions to city. SEC. 2. No lands or premises shall hereafter be laid out, divided, and platted into lots, streets, and alleys within the city, except by permission and approval of the council by resolution passed for that purpose, nor until the proprietor shall file with the city clerk a correct survey, plan, and map of such grounds and the subdivision thereof, platted and subdivided as approved by the council, and made to their satisfaction; showing also the relative position and location of such lots, streets, and alleys, with respect to the adjacent lots and streets of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in any office of any register of deeds until a certificate has been endorsed thereon by the city clerk, under the seal of the city, showing that such plat and declaration has been approved by the council; nor shall the city, by reason of such approval, be responsible for the improvement, care, and repairs of such streets and alleys, excepting such as the council shall accept and confirm by ordinances as provided by section two of chapter twenty-two of this act.

SEC. 3. After the incorporation of the city, under and subject to

[No. 246.]

AN ACT to establish a Board of Park Commissioners in the city of Detroit.

Board of park commissioners established.

Who to constitute first board.

Term of office of first board.

Organization of board, and election of officers.

Quorum.

Board to have control and management of parks, etc.

Disposition of revenues from parks, etc.

Estimate of amount to be raised for purposes of, etc.

Estimates to be levied and collected as other city taxes.

SECTION 1. *The People of the State of Michigan enact,* That there shall be a board of park commissioners in and for the city of Detroit, which shall consist of four resident electors who shall be appointed by the board of councilmen on the nomination of the mayor, and whose term of office shall be four years. The first board of commissioners under this act shall consist of the present members of "the board of Belle Isle park commissioners," appointed under and by virtue of an ordinance of the city of Detroit, entitled "An ordinance creating Belle Isle park, and establishing regulations for its improvement and government," and approved August twenty-ninth, eighteen hundred and eighty-one. Said first commissioners shall hold their offices for the terms for which they were respectively appointed under said ordinance, and upon the expiration of said terms successors shall be appointed each for the full term of four years.

SEC. 2. The commissioners shall elect from their own number a president and a vice-president of the board, and they may appoint a secretary, a superintendent of said park, and such other officers, agents, and subordinates as they may deem necessary; and the persons appointed shall hold their offices during the pleasure of the board. They shall give such security for the faithful performance of their duties as the board may require. Three members of said board shall constitute a quorum for the transaction of business.

SEC. 3. Said commissioners shall have the possession, control, and management of the island park in the city of Detroit known as Belle Isle, and subject to the provisions of this act, shall have power to improve and maintain the same as a public park for the use and benefit of the people of the city of Detroit, and they may establish thereon zoological and botanical gardens.

SEC. 4. All the revenues and income derived from said park shall be paid into the city treasury and shall be credited to a fund to be known as the Belle Isle park fund, and which fund shall be applied exclusively to the improvement and maintenance of said park as contemplated by this act.

SEC. 5. The commissioners shall annually prepare and submit to the common council an estimate of the amount of money that should be raised by taxation during the then ensuing fiscal year for the purpose of improving and maintaining said park, and which estimate shall be in detail, specifying the objects of expenditure, the sums desired for each, and the reasons for the same; and it shall also contain an estimate of the income and revenue that will be derived from said park during the year.

SEC. 6. Such estimates or so much thereof as shall be approved by the board of aldermen and the board of councilmen as provided by charter shall be placed upon the general tax rolls of the city, and shall be assessed, levied, and collected the same as other city

taxes. The money when collected shall be paid into the city treasury and credited to "the Belle Isle park fund."

SEC. 7. The commissioners shall have power to expend, disburse, and pay out the moneys belonging to said fund, and warrants drawn upon said fund and signed by the president and secretary of the board shall be paid by the city treasurer: *Provided*, The commissioners shall have no power to create any debt or liability against the city of Detroit in excess of the moneys then in said fund, including any taxes that have been authorized and levied but have not yet been collected.

SEC. 8. Said commissioners shall receive no compensation for their services, and they shall give bonds for the faithful performance of their duties in such sums as the common council may require. Any one of said commissioners shall be considered as vacating his office in the event of his accepting or holding any political office, and any commissioner who shall, during the term of his office, be publicly nominated for any office elective by the people, and who shall not decline the said nomination within ten days succeeding notice or knowledge of the same shall be deemed to have vacated his office.

SEC. 9. The commissioners shall make an annual report to the common council of their doings, and of the expenditures made by them, and showing the situation and condition of the affairs under their control. The common council can require a report from said commissioners at any time, and records, books, papers, and accounts of the commission shall at all times be subject to the inspection of the mayor, controller, or of any committee appointed by the common council for that purpose.

This act is ordered to take immediate effect.

Approved March 28th, 1883.

[No. 247.]

AN ACT to incorporate the village of Westphalia.

SECTION 1. *The People of the State of Michigan enact*, That all that certain tract or parcel of land lying and being situated in the township of Westphalia, in the county of Clinton, and State of Michigan, known and described as follows: The northeast quarter of section eight, and the northwest quarter of section nine, and the southwest quarter of section four, and the southeast quarter of section number five, is hereby constituted a village corporate, known and designated as the village of Westphalia.

SEC. 2. The first election of officers in said village shall be held on Monday the ninth day of April, in the year of our Lord eighteen hundred and eighty-three, at Westphalia hall in said village.

SEC. 3. Messrs. John P. Arens, Anthony A. Fox, and Wm. Smith are hereby constituted a board of registration, for the purpose of registering the voters for the first election to be held in said

village, and said board of registration are hereby required to meet on the Saturday preceding the said ninth day of April, one thousand eight hundred and eighty-three, to register the names of all persons residents of said village, presenting themselves for registration, having the qualifications of voters at annual township meetings.

Notice of election.

SEC. 4. Notice of said first election of officers of said village shall be posted in three of the public places in said village at least ten days before the time of said election, which notice may be signed by any five electors in said village.

General act governing.

SEC. 5. The said village of Westphalia, in all things not herein otherwise provided, shall be governed by and its powers and duties defined by act number sixty-two, of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereto.

Further provision for election.

SEC. 6. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be had at any time within one year from the time designated in said section two of this act, on notice being given as provided in section four of this act.

This act is ordered to take immediate effect.

Approved March 28, 1883.

[No. 248.]

AN ACT to incorporate the village of Breedsville, Van Buren county.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact,* That all that certain tract or parcel of land lying and being situated in the township of Columbia, in the county of Van Buren, State of Michigan, known and described as follows, to wit: The southwest quarter of section twenty-eight, the southeast quarter of section twenty-nine, the northeast quarter of section thirty-two, and the northwest quarter of section thirty-three, being situated in township number one south, of range number fifteen west, is hereby constituted a village corporate, known and designated as the village of Breedsville.

First election.

SEC. 2. The first election of officers in said village shall be held on the fourth Monday in April, in the year of our Lord one thousand eight hundred and eighty-three, at Gray's hall in said village, and on the second Monday in March in each year thereafter.

Board of registration.

SEC. 3. Frederick E. Sherwood, James M. Gray, and Amasa M. Brown are hereby constituted a board of registration, for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet at Gray's hall, in said village, on the Saturday preceding the fourth Monday in April, in the year one thousand eight hundred and eighty-three aforesaid, to register the names of all persons residents

of said village, presenting themselves for registration, having the qualification of voters at annual township meetings. And said board of registration shall hold its subsequent meetings on the Saturday preceding the second Monday in March in each year.

SEC. 4. Notice of said first election of officers of said village shall be posted in three public places in said village at least ten days before the time of said election, which notice shall be signed by any five electors in said village. Notice of election.

SEC. 5. The said village of Breedsville, in all things not herein otherwise provided, shall be governed by and its powers and duties defined by act number sixty-two, of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereto. General act governing.

SEC. 6. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be had at any time within one year from time designated in section two of this act, on notice being given as provided in section four of this act. Further provision for election.

This act is ordered to take immediate effect.

Approved March 28, 1883.

[No. 249.]

AN ACT to incorporate the village of Cass City, in Tuscola county.

SECTION 1. *The People of the State of Michigan enact,* That the following described territory, to wit: The southwest quarter of section twenty-seven, the southeast quarter of section twenty-eight, the northeast quarter of section thirty-three, and the northwest quarter of section thirty-four, in town fourteen north, range eleven east, Elkland, Tuscola county, Michigan, be and the same is hereby constituted a village corporate, to be known as the village of Cass City. Territory incorporated.

SEC. 2. The first election of officers of said village shall be held at the town hall in said village of Cass City, on the third Tuesday of April, in the year of our Lord eighteen hundred and eighty-three, due notice of which election shall be given by the board of registration hereinafter appointed, by posting notices in three public places in said village ten days before said election. First election of officers.

SEC. 3. P. R. Weydemeyer, J. C. Laing, and William Walker are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration shall meet on the Saturday next preceding said day of election at said town hall, and remain in session the same hours required by the board of registration of general election, and register the names of all persons residing in said village and having the qualifications of voters at annual township meetings, due notice of which registration shall be made by Board of registration of first election. Meeting of board. Notice.

said board by posting notices thereof in three public places in said village ten days previous to said meeting for registration.

General act governing.

SEC. 4. Said village of Cass City shall in all things not herein otherwise provided, be governed and its powers and duties defined by an act entitled, "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and all acts amendatory thereto.

Further provisions for election.

SEC. 5. In case said officers are not elected at the time designated in section two of this act, an election of officers may be held at any time within one year from the time designated in said section two, on notice being given as required herein.

This act is ordered to take immediate effect.

Approved March 28, 1883.

[No. 250.]

AN ACT to repeal sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, and sixteen, of act number three hundred and sixty-two of the session laws of eighteen hundred and seventy-seven, entitled "An act to incorporate the public schools of the township of Alpena," and repeal sections one and two, of act number four hundred and ninety of the laws of eighteen hundred and sixty-seven, and to make provision for the payment of the indebtedness of said public schools of the township of Alpena and for a distribution of the property belonging thereto.

Sections repealed.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, and sixteen, of act number three hundred and sixty-two, of the session laws of eighteen hundred and seventy-seven, entitled "An act to incorporate the public schools of the township of Alpena, and repeal sections one and two of act number four hundred and ninety, of the laws of eighteen hundred and sixty-seven," are hereby repealed.

Indebtedness of public schools of township of Alpena, etc., declared valid.

SEC. 2. The indebtedness of the public schools of the township of Alpena, including the bonded indebtedness, is hereby made a valid and subsisting indebtedness of the township of Alpena the same as though said indebtedness had originally been contracted by said township, and the said township of Alpena shall make provision for the payment of the same.

Township to make provision for payment of.

SEC. 3. All moneys and credits due the said public schools of the township of Alpena shall enure to the benefit of the said township of Alpena.

Moneys due to public schools to enure to benefit of township.

SEC. 4. The school-house and property now belonging to said public schools and included within each of the primary school districts hereafter organized in said township of Alpena shall become the sole property of such school district as soon as organized.

This act is ordered to take immediate effect.

Approved March 28, 1883.

School houses to be property of school districts.

[No. 251.]

AN ACT to authorize the township of Garfield, in the county of Newaygo, to issue and sell its bonds for the construction of a bridge over the Muskegon river.

SECTION 1. *The People of the State of Michigan enact,* That the township of Garfield, in the county of Newaygo, be and is hereby authorized and empowered to borrow on the credit of said township the sum of three thousand dollars for the term of not exceeding five years, at a rate of interest not exceeding seven per cent per annum, payable annually, and for that purpose may issue forthwith the bonds of said township, signed by the township board and countersigned by the treasurer, and in such forms and sums not exceeding three thousand dollars, as the township board shall direct. Such bonds shall be disposed of under the direction of the township board of said township upon such terms as they shall deem advisable, but at not less than par value, and the avails thereof shall be applied solely to pay the balance due on the contract for the construction of said bridge.

Township
authorized to
borrow money
and issue bonds

SEC. 2. It shall be the duty of the said township board of said township to provide by tax for the payment of the interest accruing on said bonds as it shall become due, which tax shall be in addition to and shall be levied and collected in the same manner as the taxes which the township board now is or may hereafter be authorized to levy; and it shall be the duty of the township board of said township to provide for the payment of said bonds at the maturity thereof by tax upon the taxable property of said township, and collect the same as aforesaid.

Bonds to be dis-
posed of by
township board

This act is ordered to take immediate effect.

Approved March 28, 1883.

[No. 252.]

AN ACT to amend sections one, three, and five, of chapter three, section thirty-two chapter five, section one chapter seventeen, sections five, six, seven, eight, and ten chapter twenty-two, section one and four chapter twenty-four, sections twenty and twenty-one chapter twenty-five, of act number three hundred and fifty-eight of the session laws of eighteen hundred and seventy-five, entitled "An act to revise and amend the charter of the city of Jackson," as amended by the several acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact,* That sections one, three, and five of chapter three, section thirty-two [of] chapter five, section one [of] chapter seventeen, sections five, six, seven, eight and ten, [of] chapter twenty-two, section one and four [of] chapter twenty-four, sections twenty and twenty-one [of] chapter twenty-five, of act number three hundred and fifty-eight, of the session laws of eighteen hundred and seventy-five, entitled "An act

Sections
amended.

to revise and amend the charter of the city of Jackson," [approved April twenty-fifth, eighteen hundred and seventy-five], as amended by the several acts amendatory thereof, be amended so as to read as follows:

CHAPTER III.

ELECTIONS AND APPOINTMENT OF OFFICERS.

Officers elected.

SECTION 1. The following officers shall be elected from among the electors of said city, viz.: A mayor, recorder, who shall be school inspector, treasurer, city attorney, two school inspectors, and four justices of the peace.

Officers appointed.

SEC. 3. The following officers may be appointed by the common council, viz.: Chief of police, weighmaster, and overseer of the poor. The common council may also from time to time provide by ordinance for the appointment of, and appoint for such term as may be provided in the ordinance, for such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the power granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.

When appointments made.

SEC. 4. Appointments to office by the council on nomination of the mayor, except appointments to fill vacancies, shall be made on the first Monday in May in each year, except as herein otherwise provided, but appointments which for any cause shall not be made on that day may be made at any subsequent regular meeting of the council. All appointments to office shall be made only upon the nomination of the mayor by and with the concurrence of a majority of the members elect of the council.

Terms of office.

SEC. 5. The mayor shall hold his office for the term of one year from the first Monday in May, and the supervisors one year from the first Monday of [in] April, of the year when elected, and until their successors are qualified and enter upon the duties of their offices. The city attorney, recorder, and treasurer shall hold their offices for the term of two years from the first Monday in May of the year when elected, and until their successors are qualified and enter upon the duties of their offices.

CHAPTER V.

Compensation of officers.

SEC. 32. The chief of police, recorder, treasurer, city attorney, director of the poor, weighmaster, and poundmaster shall receive such compensation as the council shall determine by ordinance. School inspectors shall serve without compensation, where there shall be a county superintendent of schools, or other boards, for the inspection of teachers. Justices of the peace and officers serving process and making arrests may, except as herein provided, when engaged in causes and proceedings in violation of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city, shall, except as herein otherwise provided, receive such compensation as the council shall determine.

CHAPTER XVII.

SECTION 1. The council of said city may establish, construct, and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city, and may regulate and maintain those already constructed, and may make the necessary expenditure to improve Grand river, from the northern limits of the city to the mouth of the Portage river, by removing obstructions and clearing out the channel thereof for the purpose of improving the outlet for the sewerage and sanitary condition of the city, and private property or the use thereof may be taken therefor in the manner prescribed in this act for taking such property for public use; but in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds, and no sewer shall be extended or new sewer built except upon recommendation and estimate of the board of public works.

CHAPTER XXII.

SEC. 5. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city, for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section three of this chapter are constituted, shall not, except as herein otherwise provided, exceed in any one year one per cent on the assessed value of all the real and personal property in the city made taxable by law.

SEC. 6. The council may also raise by tax in each street district for defraying the expenses of working upon, improving, and repairing, and cleaning the streets of the district, and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any one year two mills on the dollar on the assessed value of the taxable real and personal property in the district.

SEC. 7. The council may also raise such further sum annually not exceeding one mill on the dollar of the assessed valuation of the property in the city as may be necessary to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon: *Provided*, That no money raised by the provisions in this section shall be transferred to the other funds.

SEC. 8. It shall be the duty of the council to cause estimates to be made in the month of May in each year of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built, and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments, and for defraying the current expenses for [of] the year, and for every other purpose for which any money will be required to be paid from any of the several

general funds during such fiscal year, and also to estimate the amounts that will be required to be expended from street district funds during said next fiscal year in working upon, improving, and repairing the streets in the several street districts of the city.

Annual appropriation bill.

SEC. 10. The common council shall also, on or before the second Monday in June in each year, pass or adopt a resolution to be termed the annual appropriation bill, in which they shall make provision for and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, payable from the several general funds, and from the street district funds as estimated and determined upon as provided in section eight of this chapter, and order the same, or so much of such amounts as may be necessary to be raised by tax with the next general tax levy, or by loan, or both, and to be paid into the several general funds and street district funds of the city; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five, six, and seven of this chapter to raise by general tax during the year. The council shall specify in such resolution the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds and street district funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment, or other sum which they require to be levied or reassessed with the next general tax as mentioned in section nine of this chapter, and the disposition to be made of such moneys; and shall also designate in said bill any local improvements which they may deem advisable to make during the next fiscal year, to be paid for in whole or in part by special assessments, and the estimated cost thereof; and shall at the same time, by resolution, levy the aggregate of the taxes mentioned in such appropriation bill upon the taxable property within said city.

CHAPTER XXIV.

**Ordinances, etc.,
for protection
against fires.**

SECTION 1. The common council of said city shall have power to enact such ordinances, and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom, and for this purpose to establish and maintain a fire department, organize and maintain fire companies, and provide for the efficiency of such department and companies.

**Board of fire
commissioners.**

SEC. 4. The common council shall on the first Monday in March, eighteen hundred and eighty-three, or at some regular meeting thereafter, after this act takes effect, appoint, on nomination of the mayor, a board of three commissioners of the fire department, one of whom shall be designated to hold for the term of one year from the first Monday in March, eighteen hundred and eighty-

three, one for the term of two years, and one for the term of three years, and the said council on the first Monday in May in each ensuing year shall appoint, upon the nomination of the mayor, one member of said board of fire commissioners who shall hold his office for the term of three years from and after the first Monday of May next ensuing. Said board shall be organized in such manner ^{Organization and powers of, in reference to.} as the council shall prescribe, and when organized shall have the following powers :

First, The charge and control of all engines, teams, instruments, ^{Engines, teams, etc.} tools, buildings, apparatus, and other property of every name and nature belonging to or connected with the fire department of said city;

Second, The appointment of a chief engineer of the fire department ^{Chief engineer.} who shall have the supervision and direction of the department, subject to such rules and regulations as the board shall prescribe, and his compensation shall be recommended by the board and approved by the council;

Third, The employment of all firemen and employés of the ^{Firemen.} department: *Provided,* That the council shall fix the number of the firemen and employés of the department, and their compensation shall be recommended by the board and approved by the council;

Fourth, The charge and control of all expenditures of moneys ^{Finances.} appropriated for the purposes of said fire department: *Provided,* That said moneys shall not be expended for any purposes except those specified in the annual appropriation bill;

Fifth, The auditing of all claims against said department for ^{Auditing claims.} transmission to the common council for allowance;

Sixth, To discharge any officer or employé of said department ^{Discharge of officers and employees.} subject to an appeal to the common council: *Provided,* The action of the board in making such discharge shall be final unless three-fourths of all the aldermen elect shall vote in favor of annulling it;

Seventh, To prescribe rules and regulations for the government ^{Rules and regulations.} of said department and the care of the property thereof;

Eighth, Such other powers as the council may from time to ^{Other powers.} time confer upon said board by ordinance.

CHAPTER XXV.

SEC. 20. Said board shall have power to appoint a street commissioner, city engineer, and such other officers as may be necessary to carry into effect the powers, and perform the duties herein conferred and imposed. The said board may also require the duties of superintendent of public works and city engineer to be performed by one and the same person. ^{Appointing powers of board.}

SEC. 21. Said board shall fix the salaries of all officers appointed by them, subject to the approval of the common council. Said board shall, on or before the first Monday in May of each year, report to the common council the estimated expense of all officers and employés which by this act they are empowered to appoint or employ. They shall also at the same time report and recommend ^{Salaries of officers appointed. Estimate of expenses to be reported to council.}

Recommendation of improvements, etc. to said common council the making of such public improvements as in the judgment of said board shall be for the best interest of the city, and the estimated cost thereof, and the recommendation and estimate of the board of public works shall be necessary to all items of the appropriation bill which by this act is placed in its charge, or for which it is required to make the expenditure.

Ordered to take immediate effect.

Approved March 28, 1883.

[No. 253.]

AN ACT to provide for and establish a board of "poor commissioners" in the city of Detroit.

City council to appoint board.

SECTION 1. *The People of the State of Michigan enact,* That there shall be established in the city of Detroit a board of four poor commissioners who shall be appointed by the city council on the nomination of the mayor, and whose term of office shall be four (4) years. They shall have full charge and control of all poor applying for public aid within the city of Detroit, and shall appoint a secretary, a superintendent of the poor, and such other officers or employés as they may deem necessary for the proper operation of the poor department.

Board to enforce ordinances, etc., of council.

SEC. 2. The said board shall enforce all ordinances, regulations, and resolutions that the common council may adopt and prescribe relative to the city poor and the funds raised for their relief.

Board to purchase supplies, etc.

SEC. 3. The said board shall have power subject to the provisions of this act to purchase clothing, provisions, fuel, medicines, and supplies for distribution among the poor, but no money shall be paid out of the city treasury for any such purchases unless the common council shall have authorized the controller to draw his warrant therefor. The board may issue orders to the poor for provisions, clothing, boots and shoes, fuel, water taxes, and transportation, and may also make cash disbursements, all to be paid out of the poor fund under such rules and regulations as the common council may prescribe.

Board may issue orders for supplies, disburses cash, etc.

SEC. 4. Said board shall also have power to contract with any or all hospitals and asylums, in and adjoining the city of Detroit, for the care of sick poor, and such others as may come under their care and control under the provisions of this act. They shall also have charge of the burial of all deceased poor who may be public charges within the city of Detroit, and for that purpose may contract with superintendents of cemeteries and employ such other persons as they may deem necessary for the proper performance of the same.

Powers of board in reference to county temporary relief fund, etc.

SEC. 5. The said board of poor commissioners shall perform the duties and make the disbursements out of the county temporary relief fund now authorized by the statutes of this State to be made by the aldermen of each ward in the city of Detroit whose term of office will soonest expire, in the capacity of supervisors of their

respective wards, and the said board is vested with all the power and duties of the aldermen as such supervisors relative to the support of the poor. The county superintendents of the poor shall have no power to grant any temporary relief in the city of Detroit, but all such relief from the county temporary relief fund shall be granted by said board, and the said board may draw its warrants on the county treasurer therefor.

SEC. 6. The said board shall have power to receive and disburse donations for the relief of the poor, and may act in conjunction with any society or organization organized for charitable purposes in the city of Detroit, and shall have such other powers and duties as the common council may prescribe.

SEC. 7. One commissioner, whose term of office shall commence on the first day of July following, shall be appointed according to the provisions of this act at the last regular session of the city council in June of each year.

SEC. 8. Nothing in this act shall be construed as affecting the tenure of office of any of the present board of poor commissioners, etc., who shall serve out their respective terms.

SEC. 9. The said commissioners shall receive no compensation for their services.

SEC. 10. All acts or statutes inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved April 10, 1883.

[No. 254.]

AN ACT to re-incorporate the village of Mackinaw City, in the county of Cheboygan.

SECTION 1. *The People of the State of Michigan enact,* That the territory described as lots one (1) and two (2) of fractional section seven (7), and lots one (1) and two (2) of section eighteen (18), all in town thirty-nine (39) north, range three (3) west, in the county of Cheboygan, and State of Michigan, shall be re-incorporated as the village of Mackinaw City.

SEC. 2. The officers in said village, now in office, shall continue in office, with the same powers and duties as are conferred by this act upon like officers, until their successors shall be elected, pursuant to the provisions of this act, and the general law relating to villages, entitled, "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and of the laws supplementary and amendatory thereto.

SEC. 3. All ordinances and resolutions of said village of Mackinaw City, shall continue in force until repealed.

SEC. 4. The first election under this act shall be held on the second Monday in March, in the year of our Lord eighteen hundred and eighty-four, at the council room in said village of Mackinaw city.

Notice of. Notice of the time and place of holding such elections [election] shall be given by posting notices thereof in at least five public places, by order of the trustees of said village, at least two weeks previous to the holding of such election. The present president of said village of Mackinaw City, and the three trustees of said village whose term of office would first expire, shall constitute the board of registration for said first election, and said board shall meet on the Saturday previous to the day of holding said first election, at the said council room, in said village, at nine o'clock in the forenoon of said day for the purpose of completing the list of qualified electors of said village, and in such proceedings they shall have the same powers, and proceed in the same manner, as near as may be, as is now provided by law for regulating and defining the powers and duties of boards of registration in townships.

Board of registration for first election.

Meeting of board.

Powers of.

General law governing.

SEC. 5. Said village of Mackinaw City is hereby subject to the general law entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and of the acts supplementary and amendatory thereto. Said village shall possess all the powers, and be subject to all the duties and liabilities imposed by said acts, and the acts supplementary and amendatory thereto.

Property, rights, obligations, etc. SEC. 6. The village, as reincorporated, shall possess all the property and rights, and be subject to all the liabilities and obligations of the village as heretofore incorporated.

This act is ordered to take immediate effect.

Approved April 10, 1883.

[No. 255.]

AN ACT to amend section one (1), of act number two hundred ninety-eight, (298) of the local acts of eighteen hundred and eighty-one, entitled "An act to incorporate the village of North Branch, in the county of Lapeer," approved March two, eighteen hundred and eighty-one.

Section amended. SECTION 1. *The People of the State of Michigan enact,* That section one (1), of an act entitled "An act to incorporate the village of North Branch, in the county of Lapeer," approved April second, eighteen hundred and eighty one, be amended so as to read as follows:

Territory incorporated. SEC. 1. That the following lands and territory, in the township of North Branch, in the county of Lapeer, described as follows, to wit: Commencing forty rods south and one hundred and six rods west of the northeast corner of section five (5), town nine (9) north, of range eleven (11) east, running thence south two hundred and eighty (280) rods, thence east three hundred and twenty (320) rods, thence north two hundred and eighty (280) rods, thence west three hundred and twenty (320) rods to the place of begin-

ning, be and the same is hereby constituted a village corporate by the name of the village of North Branch.

This act is ordered to take immediate effect.

Approved April 10, 1883.

[No. 256.]

AN ACT to facilitate the construction of sidewalks in the village of Grandport, so called, in the township of Ecorse, in the county of Wayne.

SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful hereafter for the highway commissioner of said township of Ecorse, and his successors in office, upon application to him in writing, of at least ten resident freeholders of road district number one (1), of said township, said village being a part of the territory of said road district, to expend any amount of money arising from the commutation moneys of said road district number one (1), in the construction of sidewalks from year to year: *Provided,* The width and place for the construction of any side or cross-walks, built or repaired by virtue of this act, shall be stated in the aforesaid application.

SEC. 2. It shall be the duty of said commissioner of highways, or his successors in office, upon application to him as mentioned in the preceding section, within ten days from the time of the presentation of an application as set forth in the preceding section, to advertise for all jobs to be constructed by virtue of the above act in the same manner as other improvements sold for the benefit of highways: *Provided,* It shall not be necessary to post up any notice outside said road district number one (1).

This act is ordered to take immediate effect.

Approved April 10, 1883.

[No. 257.]

AN ACT to prohibit the catching of fish with nets in certain waters in this State.

SECTION 1. *The People of the State of Michigan enact,* That no person shall use any pound, trap, stake, set or sweep net, or device of any kind for taking fish in Lake St. Clair within the waters embraced in the territory of the counties of Macomb and St. Clair during the months of March and April in each year.

SEC. 2. Any person charged with offending against the provisions of this act may be tried before a justice of the peace of the county having jurisdiction of the waters in which the offense is charged to have been committed in the same manner as other offenders are tried where the justice has jurisdiction, and upon conviction such person shall be subject to a fine not exceeding fifty dollars for each and every offense, and to imprisonment in the

county jail until such fine is paid, but not for a period exceeding ninety days.

Fishing with hooks, etc., not prohibited.

SEC. 3. This act shall not be construed as a prohibition upon fishing with a hook, or with spears, or any instrument or device similar in principle of its operation to such hook [hooks] or spears, at any time in Lake St. Clair.

Approved April 10, 1883.

[No. 258.]

AN ACT to amend section three of title six of an act entitled "An act to revise the charter of the city of Grand Rapids," being amendatory of an act entitled "An act to incorporate the city of Grand Rapids, approved April second, eighteen hundred and fifty, as amended by the several acts amendatory thereof," approved March twenty-ninth, eighteen hundred and seventy-seven.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section three of title six of an act entitled "An act to revise the charter of the city of Grand Rapids," being amendatory of an act entitled "An act to incorporate the city of Grand Rapids, approved April two, eighteen hundred and fifty, as amended by the several acts amendatory thereof," approved March twenty-nine, eighteen hundred and seventy-seven, be and the same is hereby amended to read as follows:

When whole or part of expense of improvement to be defrayed by owners, etc., of property benefited.

SEC. 3. Whenever the common council shall determine that the whole or any part of the expense of any public improvement shall be defrayed by an assessment on the owners or occupants of houses and land to be benefited thereby, they shall declare the same by an entry in their minutes, and after ascertaining, as provided in section two of this title, the estimated expense of such improvement, they shall declare by an entry in their minutes whether the whole or what portion thereof shall be assessed to such owners and occupants, specifying the sum to be assessed and the portion of the city which they deem to be benefited by such improvement; the cost and expenses of making the estimates, plans and assessments incidental thereto shall be included in the expense of such improvement.

This act is ordered to take immediate effect.

Approved April 10, 1883.

[No. 259.]

AN ACT to provide for the payment of fees to the county of Wayne, in suits and proceedings in the circuit court for said county.

Entry fees.

SECTION 1. *The People of the State of Michigan enact,* That there shall be paid to the clerk of the county of Wayne, for the use of said county, in the several suits and proceedings in the cir-

cuit court for said county, for entry fees, in the following cases, viz.: In all suits at law commenced in said court, and in cases prosecuted by writ of *certiorari*, the sum of four dollars to be paid before the commencement of any such suit, or before the writ of *certiorari* shall be issued. In all suits or proceedings in which an appeal shall have been taken from the probate court, from a circuit court commissioner, from a justice of the peace, or from any other officer or inferior court, the sum of four dollars to be paid before the entry of any proceedings on the calendars, or other records of proceedings of the court, and no appeal shall be deemed to have been finally perfected until said fee shall have been paid, and if the same be not paid on filing of the return to the appeal, the court may make an order requiring the payment thereof, together with costs of the motion, and if default be made thereon, may dismiss said appeal with costs, including a reasonable attorney fee, for which it may enter judgment against the principal and sureties named in the appeal bond. In all proceedings in chancery for the sale of the real estate of infants, lunatics, and other incompetent persons, and in all proceedings in chancery to bar the right of dower of insane, imbecile, or idiotic married women, and in all other proceedings in chancery, commenced otherwise than by filing bill of complaint, the sum of four dollars, to be paid before the commencement of any such suit or proceeding, and said sum, if the proceeding be not resisted, to be in full of all fees in the cause. In all other suits and proceedings in chancery, including suits for divorce, the sum of five dollars to be paid before the suit or proceeding is commenced. In all miscellaneous suits or proceedings, other than those above specified, commenced in said circuit court, or in which any order of the court may be made, the sum of four dollars to be paid before the suit or proceeding be commenced in said court, or any record be made in the matter, and said sum to be in full of all other fees in the cause. And there shall be paid to said clerk, for the use of said county, for judgment and decree fees, the following sums, viz.: In all suits at law, and in all cases brought into court by appeal, and the same shall have been tried, or in which the damages shall have been assessed by a jury, a judgment fee of four dollars. In all other cases at law, a judgment fee of two dollars. In any suit or proceeding in chancery, a decree fee of four dollars, if there be no answer, or other pleadings filed by the defendant, and if there be an answer, or other pleadings filed by the defendant, the sum of seven dollars; said fees to be paid before any final decree which shall determine the rights of the parties in the cause, or upon which final process may issue, shall be entered, and said fees shall be paid by the prevailing party. Where a party may be entitled to a judgment or decree, unless the fee be paid immediately, the court may make an order that the same be entered upon payment of said fees. If any such fee be not paid, the court, on application of the clerk, may grant an attachment therefor, with accruing costs against the party from whom the same may be due. The money so paid, shall be paid over by the clerk to the county treasurer, and the same shall be

Judgment and
decree fees.

Proviso.

held to be in full of all entry fees, reporter's fees, jury fees, and all fees of the clerk of said court, in any suit from the commencement thereof, to and including the issuing of executions, or other final process, and the sum or sums so paid shall be taxed as costs of suit in favor of the party paying the same, if he be the prevailing party in such suit: *Provided*, That this section shall apply only to suits and proceedings begun after the first day of January, eighteen hundred and eighty-one.

Section repealed.

SEC. 2. Section three of act number three hundred and eighty-one, of local acts of eighteen hundred and seventy-nine, entitled "An act to provide for the compensation, and to prescribe the duties of certain officers of the county of Wayne," approved May fourteenth [twenty-fourth], eighteen hundred and seventy-nine, as amended by act number four hundred and twenty-eight, of the local acts of eighteen hundred and eighty-one, approved June ninth, eighteen hundred and eighty-one, be and the same is hereby repealed.

This act is ordered to take immediate effect.

Approved April 11, 1883.

[No. 260.]

AN ACT to legalize the proceedings of fractional school district number five, of the townships of Fair Haven and Winsor, in the county of Huron, in regard to voting money for building and furnishing a school-house in said district.

Issuing of bonds authorized.

SECTION 1. *The People of the State of Michigan enact*, That fractional school district number five, of the townships of Fair Haven and Winsor, in the county of Huron is hereby authorized to issue its bonds in the amount of not to exceed eight hundred dollars, for the purpose of building and furnishing a school-house in said district, in accordance with the vote of said district, as expressed at their annual meeting, held September five, eighteen hundred and eighty-one, and at their special meeting held December three, eighteen hundred and eighty-one, and that all the proceedings of said meetings, and especially the manner of conducting the vote for the raising of said money, be and the same are hereby legalized.

This act is ordered to take immediate effect.

Approved April 11, 1883.

[No. 261.]

AN ACT to discontinue a part of an angling highway across section one, in township two north, range eleven east, in the township of Troy, Oakland county, located and established under and by virtue of the provisions of act number two hundred and twenty-nine of the session laws of one thousand eight hundred and forty-nine, approved April two, eighteen hundred and forty-nine.

SECTION 1. *The People of the State of Michigan enact*, That the

angling highway located and established across section one, in Part of highway township two north, range eleven east, in the township of Troy, ^{discontinued.} Oakland county, by commissioners appointed and empowered under the provisions of act number two hundred and twenty-nine of the session laws of one thousand eight hundred and forty-nine, entitled "An act to lay out, alter, and establish a public highway on section one, town two north of range eleven east in the township of Troy, in the county of Oakland," approved April two, eighteen hundred and forty-nine, be and the same is hereby discontinued across the northeast quarter of said section one.

Ordered to take immediate effect.

Approved April 11, 1883.

[No. 262.]

AN ACT to amend sections one, three, and five of chapter five, section three of chapter eight, section nine of chapter nine, section one of chapter eleven, sections fourteen, twenty, and twenty-one of chapter twenty-six, and section eleven of chapter twenty-seven of an act entitled "An act to incorporate the city of Manistee," approved March fifteen, eighteen hundred and eighty-two.

SECTION 1. *The People of the State of Michigan enact,* That sections one, three, and five of chapter five, section three of chapter eight, section nine of chapter nine, section one of chapter eleven, sections fourteen, twenty, and twenty-one of chapter twenty-six, and section eleven of chapter twenty-seven be, and the same are hereby amended to read as follows:

CHAPTER V.

OFFICERS.

SECTION 1. In the city as incorporated under this act there shall be the following city officers: A mayor, city clerk, city treasurer, and four justices of the peace, who shall be elected by the qualified voters of the city.

SEC. 3. The common council, by a three-fourths vote of all the aldermen elect, on the nomination of the mayor, shall have power, and it shall be the duty of the common council to appoint the following city officers, viz.: A city attorney, street commissioner, city marshal, a chief engineer, and one or more assistant engineers of the fire department, city surveyor, pound-master, harbor-master, and such other officers as the common council may from time to time deem necessary to carry into effect the powers granted by this act. The mayor shall submit to the common council his nominations to the above named offices, at the meeting of the council on the third Tuesday of April in each year.

SEC. 5. The mayor, city clerk, city treasurer, supervisors, and constables shall hold their offices for the term of one year from the first Monday in April of the year when elected, and until their suc-

cessors are qualified and enter upon the duties of their offices. One justice of the peace shall be elected annually for the term of four years from the fourth day of July next after his election.

CHAPTER VIII.

President pro tempore, powers and duties of.

SECTION 3. On the third Tuesday of April in each year the council shall appoint one of their number president *pro tempore* of the council, who in the absence of the president shall preside at meetings thereof and exercise the powers and duties of president. He shall have a vote upon all questions. In the absence of the president and president *pro tem.* the council shall appoint one of their number to preside, and for the time being he shall exercise the powers and the duties of the president *pro tem.*

CHAPTER IX.

Style, vote necessary, and time of taking effect of ordinances.

SECTION 9. The style of all ordinances shall be, "The city of Manistee ordains." All ordinances shall require for their passage the concurrence of a majority of all the aldermen elected. All ordinances shall take effect on the second Monday following the publication thereof.

CHAPTER XI.

GENERAL POWERS OF THE CITY CORPORATION [CORPORATIONS].

General powers of common council in reference to.

SECTION 1. The city shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, viz.:

Vice, gaming, disturbances, etc.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct, or assemblages, and to punish for the same; to prevent and quell riot; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Vagrants, drunkards, etc.

Second, To apprehend and punish vagrants, drunkards, disorderly persons, and common prostitutes;

Offensive or unwholesome substances, nuisances, etc.

Third, To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue, or remove the same; and generally to determine and declare what shall be deemed nuisances;

Disorderly houses.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

Billiard tables.

Fifth, To regulate and license billiard tables, nine or ten-pin alleys or tables, and ball alleys, and to punish the keepers thereof;

Sixth, To prohibit and suppress every species of gaming, and to Gaming.
authorize the seizure and destruction of all instruments and devices
used for the purpose of gaming;

Seventh, To regulate ale, beer, and porter houses, and all places Ale, beer, and
of resort for tippling and intemperance, and to punish the keepers porter houses.
thereof, and all persons assisting in carrying on the business there-
of; and to require all such places to be closed on the Sabbath day,
and upon such other days and during such hours of every night
as the council shall prescribe;

Eighth, To prohibit and prevent the selling or giving of any Spirituous
spirituous, fermented, or intoxicating liquors to any drunkard liquors.
or intemperate person, minor, or apprentice, and to punish any
person so doing;

Ninth, To regulate, restrain, and prohibit all sports, exhibitions Sports, shows,
of natural or artificial curiosities, caravans, circuses, menageries,
theatrical exhibitions, shows, and all exhibitions of whatever name
or nature, for which money or other reward is in any manner
demanded or received; lectures on historic, literary, or scientific
subjects excepted;

Tenth, To prevent and punish violations of the Sabbath day, and Sabbath.
the disturbance of any religious meeting, congregation, or society,
or other public meeting assembled for any lawful purpose, and to
require all places of business to be closed on the Sabbath day;

Eleventh, To license auctioneers, auctions, and sales at auction, Auctions,
to regulate or prohibit the sale of live or domestic animals at auctioneers,
auction in the streets or alleys, or upon any public grounds within Dutch auctions,
the city; to regulate or prohibit the sale of goods, wares, property,
or anything at auction; or by any manner of public biddings,
or offers by the buyers or sellers, after the manner of auction
sales or Dutch auctions, and to license the same, and to regulate
the fees to be paid by and to auctioneers; but no license shall be
required in case of sales required by law to be made at auction
or public vendue;

Twelfth, To license hawkers, peddlers, and pawnbrokers, and Licensing of
hawking and peddling; and to regulate, license, or prohibit the hawkers, ped-
sale or peddling of goods, wares, merchandise, refreshments, or any
kind of property, or thing, by persons going about from place to
place in the city for that purpose, or from any stand, cart, vehicle,
or other device in the streets, highways, or in or upon the wharves,
docks, open places or spaces, public grounds, or buildings in the
city;

Thirteenth, To license and regulate wharf-boats, and to regulate Wharf-boats,
the use of tugs and other boats used in and about the harbor, and tug boats, etc.
within the jurisdiction of the city;

Fourteenth, To establish, or authorize, license, and regulate Ferries.
ferries to and from the city, or any place therein, or from one part
of the city to another, and to regulate and prescribe from time to
time the charges and prices for the transportation of persons and
property thereon;

Fifteenth, To regulate and license all taverns and houses of Taverns,
public entertainment; all saloons, restaurants, and eating houses; saloons, and
restaurants.

- Public vehicles.** *Sixteenth*, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire in the city;
- Toll-bridges.** *Seventeenth*, To regulate and license all toll-bridges within the city, and to prescribe the rates and charges for passage over the same;
- Inspection of meats, provisions, etc.** *Eighteenth*, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat, and other provisions;
- Brick, wood, coal, etc.** *Nineteenth*, To regulate the inspection, weighing, and measuring of brick, lumber, firewood, coal, hay, and any article of merchandise;
- Weights and measures.** *Twentieth*, To provide for the inspection and sealing of weights and measures;
- Idem.** *Twenty-first*, To enforce the keeping and use of proper weights and measures by vendors;
- Vaults, cisterns, hydrants, etc.** *Twenty-second*, To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, sewers, and gutters;
- Obscenity, etc.** *Twenty-third*, To prohibit and prevent, in the streets, or elsewhere in said city, indecent exposure of the person, the show, sale, or exhibition for sale, of obscene or indecent pictures, drawings, engravings, paintings, and books or pamphlets, and all obscene, indecent, or other exhibitions and shows of every kind;
- Bathing.** *Twenty-fourth*, To regulate or prohibit bathing in the rivers, ponds, streams, and waters of the city;
- Cleaning of rivers, ponds, etc.** *Twenty-fifth*, To provide for clearing the rivers, ponds, and streams of the city, and the races connected therewith, of all drift-wood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the water thereof impure, unwholesome, and offensive;
- Unwholesome or offensive places.** *Twenty-sixth*, To compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter-house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove, or abate the same, whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of said city;
- Gunpowder and other combustibles.** *Twenty-seventh*, To regulate the keeping, selling, and using of gunpowder, fire-crackers, and fire-works, and other combustible materials, and the exhibition of fire-works, and the discharge of firearms, and to restrain the making or lighting of fires in the streets, and other open spaces in the city;
- Cellars, slips, barns, etc.** *Twenty-eighth*, To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same or to cause the same to be done by some proper officer of the corporation, and to assess the expense thereof on the lot or premises having such cellar, slip, barn, private drain, sink, or privy thereon;
- Mock auctions, etc.** *Twenty-ninth*, To prohibit, prevent, and suppress mock auctions and every kind of fraudulent game, device, or practice, and to

punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof;

Thirtieth, To prohibit, prevent, and suppress all lotteries for ~~lotteries~~ the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing, or managing the same;

Thirty-first, To license and regulate solicitors for passengers or ~~Hotel runners, draymen, hack men, etc.~~ baggage for any hotel, tavern, public house, boat, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description, used and employed for hire, and to fix and regulate the amounts and rates of their compensation; to impose a tax on dogs, and license the keeping thereof, ~~Dogs.~~ and to impose penalties for failure to procure such license, or pay such tax, and to authorize the destruction of such dogs;

Thirty-second, To provide for the protection and care of paupers, ~~Paupers.~~ and to prohibit and prevent all persons from bringing to the city from any other place any paupers or other persons likely to become a charge upon said city, and to punish therefor;

Thirty-third, To provide for taking a census of the inhabitants ~~Census.~~ of the city whenever the council shall see fit, and to direct and regulate the same;

Thirty-fourth, And further: The council shall have authority to ~~further general powers of council.~~ enact all ordinances and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order, and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever.

CHAPTER XXVI.

SECTION 14. After the passage of the annual appropriation bill ~~Provisions for raising further sums, after passage of bill.~~ no further sums shall be used, raised, or appropriated, nor shall any further liability be incurred for any purpose, to be paid from any general fund, or street district fund, during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority vote of the freeholders possessing the qualifications of electors, voting upon the proposition at the next annual city election. But this section shall not prohibit the council from making any necessary repairs or expenditures, at a cost not exceeding five thousand dollars, the necessity for which is caused by casualty or accident, happening after making the annual appropriation for the year, and from loaning the money therefor.

SEC. 20. Should any greater amount be required in any year for ~~Raising money by vote of freeholders.~~ the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvements or purposes, to be paid for from the general funds of the city, than can be raised

by the council under the foregoing provisions of this chapter, such amount may be raised by tax, or loan, or partly by tax and partly by loan, if authorized by a majority vote of the freeholders voting upon the question, at the next annual city election. The amount that may be voted or raised in any year, under the provisions of this section, shall not exceed two per cent of the assessed valuation of the property in the city, as shown by the last preceding tax-rolls made therein.

Submitting question to vote. SEC. 21. The proposition to raise such additional amount shall be submitted to a vote of the freeholders of said city by an ordinance or resolution of the council distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such ordinance or resolution shall be passed and published in one of the newspapers of the city, and copies thereof posted in five public places in each ward of the city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

CHAPTER XXVII.

Warrant. SECTION 11. The warrant annexed to each roll shall state the several amounts levied therein to be paid into the city and county treasuries respectively, and shall command the city treasurer to collect from the several persons named in said roll the several sums named in the last column thereof opposite their respective names, and to pay over and account for all moneys collected and specified in the roll, as in said warrant directed, on or before the first day of February then next; and the warrant shall authorize the treasurer, in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

This act is ordered to take immediate effect.

Approved April 12, 1883.

[No. 263.]

AN ACT to re-organize the township of Republic in Marquette county.

Territory included in reorganization. SECTION 1. *The People of the State of Michigan enact*, That sections five, six, seven, eight, seventeen, eighteen, nineteen, twenty, twenty-nine, thirty, thirty-one, and thirty-two in township forty-six north, of range twenty-nine west, all of township [townships] forty-five, forty-six, and forty-seven north, of range thirty west, all of townships forty-five and forty-six north, of range thirty-one west, all of townships forty-five and forty-six north, of range thirty-two west, all of townships forty-five and forty-six north, of range thirty-three west, all of townships forty-five and forty-six north, of range thirty-four west, all of townships forty-five and forty-six north, of range thirty-five west, all of townships forty-five and forty-six north, of range thirty-six west, and all of townships forty-five and

forty-six north, of range thirty-seven west, be, and the same are hereby re-organized into a separate township to be known as the township of Republic.

SEC. 2. A special election in said township for the election of ^{special election.} township officers shall be held at the town hall at Republic, in said township, on Thursday, the nineteenth day of April, eighteen hundred and eighty-three, and Peter Pascoe, John Magnire, and Cyrus M. Babcock are hereby appointed inspectors of said election, and ^{Inspectors and board of registration.} they shall also constitute a board of registration for said special election, and shall meet as such board at the town hall in said town-^{Meeting of ship, on the Saturday preceding said special election, and they board of registration.} They shall have the same powers and perform the same duties as boards of registration under the general laws of the State. They shall ^{Powers and duties of board.} take the constitutional oath of office before entering on the dis-^{Oath.} charge of their duties, which oath they may administer to each other.

This act is ordered to take immediate effect.

Approved April 12, 1883.

[No. 264.]

AN ACT to authorize the township board of the township of Norway, in the county of Menominee, to establish, maintain, and equip a fire department in said township, and to appropriate certain moneys to the payment of the cost and expense thereof.

SECTION 1. *The People of the State of Michigan enact,* That the township board of the township of Norway, in the county of Menominee, are hereby authorized to establish, maintain, and equip a fire department, in the said township of Norway, and to that end to purchase and provide suitable fire engines and apparatus for the extinguishment of fires; to organize and maintain fire companies, to employ and appoint firemen, to make and establish rules and regulations for the government of the department, the employés, firemen and officers, and for the care and management of the engines, apparatus, property, and buildings pertaining to the department.

SEC. 2. The township board may sink wells and construct cisterns and reservoirs in the streets, public grounds, and other suitable places in the township, and make all necessary provisions for a convenient supply of water for the use of the department; and said board may also provide, or erect all necessary buildings for keeping the engines, teams, and fire apparatus of the department.

SEC. 3. For the payment of the cost and expenses incident to equipping and maintaining said fire department, in the manner authorized by sections one and two of this act, the said township board are hereby authorized to appropriate such moneys as they shall deem necessary, from the township contingent fund.

This act is ordered to take immediate effect.

Approved April 18, 1883.

said village, and the remaining part upon the lots or lands bordering upon or adjacent to such sewer or drain, as may be deemed just and in proportion to the benefit such lots or lands may receive by reason of the construction of such sewers or drains;

Streets, grades, etc. *Twenty-eighth,* To establish and determine the boundaries of all streets and alleys, and establish grades for the same, also to regulate the building of division and road fences;

Construction of buildings. *Twenty-ninth,* To prevent the erection of buildings in an unsafe manner, and regulate the construction of smith shops, planing mills, bakeries, and all other extra hazardous buildings, and to guard against fires;

Taxes. *Thirtieth,* To levy taxes on the real and personal estate in said village, not exceeding one per cent in any one year;

Appropriation of land of private persons. *Thirty-first,* To take the land of any person or persons for the purpose of extending any street, but not until such person or persons shall be paid the value thereof, also the value of all buildings upon said land;

Paving, etc. *Thirty-second,* To plank, pave, or macadamize any street or gutter in said village;

Street lamps. *Thirty-third,* To establish and erect all street lamps as may be required for the use of said village.

Taxes a lien. SEC. 7. All taxes levied upon real estate, and assessments made thereon for opening, widening, extending, grading, planking, or paving of any street or alley, or for the construction or repairing of any sewer, drain or sidewalk, shall be and remain a lien upon said real estate until paid.

This act is ordered to take immediate effect.

Approved April 18, 1883.

[No. 266.]

AN ACT to authorize the city of Owosso to raise money to make public improvements in the city of Owosso.

Common council authorized to borrow money and issue bonds for public improvements. SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Owosso shall be and is hereby authorized and empowered to borrow money on the faith and credit of said city, and issue bonds therefor to an amount not exceeding twenty thousand dollars, which shall be expended in making public improvements in the city of Owosso: *Provided,* That a majority of the electors of said city voting at an election to be called in compliance with the provisions of act number three hundred and fifty-five of the session laws of eighteen hundred and seventy-one shall vote in favor of such loan in the manner specified in said act, and not otherwise.

Bonds. SEC. 2. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times with such rates of interest, not exceeding seven per centum per annum, as the common council shall direct, and shall be signed by the mayor

and clerk, and countersigned by the auditor, and sealed with the seal of said city, and negotiated by or under the direction of said common council, and the money arising therefrom shall be appropriated in such manner as said common council shall determine, for the purpose aforesaid, and the said common council shall have power, and it shall be their duty, to raise by tax upon the taxable property of said city such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

Approved April 18, 1883.

[No. 267.]

AN ACT to amend section eight of act numbered three hundred and seventy-four of the session laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of Portland in Ionia county," approved March thirtieth, eighteen hundred and sixty-nine, as amended by act numbered two hundred and twenty-nine of the session laws of eighteen hundred and seventy-one, approved March eighteenth, eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact,* That section eight of act numbered three hundred and seventy-four of the session laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of Portland in Ionia county," approved March thirtieth, eighteen hundred and sixty-nine, as amended by act numbered two hundred and twenty-nine of the session laws of eighteen hundred and seventy-one, approved March eighteenth, eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

SEC. 8. The president and trustees shall have power to ordain and establish by-laws, ordinances, rules, and regulations, and to alter and repeal the same at pleasure for the following purposes, to wit:

First, For the appointment of such officers, whose election is not herein provided for, for said village as they may deem necessary, and to fix the compensation for their services, prescribe their duties, and to fix penalties for the violation of the same, and for the maintenance of the public places, property, and buildings of said village;

Second, To preserve the public peace, prevent riots, disturbances, and disorderly assemblages;

Third, To appoint watchmen and policemen, and organize a fire department, define the duties of firemen and prescribe penalties for delinquencies;

Fourth, To restrain, apprehend and punish vagrants, mendicants, drunkards, and all disorderly persons, punish lewd and lascivious behavior in the streets, or other public place, suppress and restrain disorderly and gaming houses, billiard playing, and the playing at any and all games of chance, skill, or both chance and skill, in any

By whom negotiated.
Proceeds from.

Section amended.

Powers of pres-
ident and trus-
tees relating to.

Appointive offi-
cers.

Policemen, fire
department.

Vagrants,
drunkards.
Gaming houses,
etc.

- place in said village resorted to or kept for the purpose of such gaming;
- Tavern keepers.** *Fifth,* To license tavern keepers and common victualers for a period not to exceed one year;
- Spirituos liquors.** *Sixth,* To prevent the selling or giving away of spirituous or fermented liquors to drunkards, minors, or apprentices;
- Immoderate driving.** *Seventh,* To prevent and punish immoderate riding or driving in any street or over any bridge in said village, and to authorize the arrest and punishment of any person who shall be guilty of the same;
- Nuisances, disorderly houses, etc.,** *Eighth,* To abate, prevent, and remove nuisances, suppress disorderly houses and houses of ill fame and punish the inmates thereof;
- Removal of incumbrances, obstructions, etc., from streets, etc.** *Ninth,* To prevent and compel the removal of all incumbrances, encroachments and obstructions, upon the streets, walks, alleys, lanes, bridges, parks, and public grounds within said village, to compel the owners or occupants of lots to clear the sidewalks adjacent thereto, of snow, ice, dirt, mud, boxes, and every incumbrance and obstruction;
- Gunpowder, etc.** *Tenth,* To regulate the storage of powder, lumber, and all other combustible materials, prevent the use of firearms, sling shots, and other weapons and fire-works;
- Markets, etc.** *Eleventh,* To construct markete, regulate the vending of meats, vegetables, fruits, fish, provisions of all kinds, the sale of hay, wood, lime, lumber, coal, the gauging of vessels containing liquor, and the sealing of weights and measures;
- Pounds.** *Twelfth,* To construct and maintain one or more pounds, regulate the use thereof, provide for the restraint and impounding of horses, cattle, sheep, swine, and other animals and poultry, and to authorize the sale of the same for the penalty incurred and the cost of keeping and impounding, and to punish any and all persons who shall rescue or attempt to rescue any animal or fowl from any pound before the payment of all such costs and charges;
- Dogs.** *Thirteenth,* To prevent dogs from running at large and to require them to be muzzled, and authorize their destruction if found at large in violation of any ordinance;
- Hackmen, etc.** *Fourteenth,* To license porters, cartmen, hackmen, and cabmen, regulate their rates of compensation, and to prevent runners from boisterously soliciting passengers;
- Water works.** *Fifteenth,* To construct and maintain hydraulic works to supply the village and its inhabitants with water, sprinkle streets, and extinguish fires, and to grant to any one the exclusive privilege to construct such works, to employ a watchman to be stationed at the engine room of said hydraulic works, and prescribe his duties, the expense of keeping said watchman, sprinkling said streets and constructing and maintaining said works to be paid out of the general fund of said village;
- Lighting of streets, borrow-ing money.** *Sixteenth,* To light streets, to borrow money for public improvements, not exceeding one thousand dollars in any one year;
- Wells, cisterns, bathing.** *Seventeenth,* To establish wells and cisterns and prevent the waste of their water, prohibit bathing in the public waters within

said village, and to preserve their purity; purchase grounds for cemeteries, regulate the burial of the dead, and to provide for the return of bills of mortality; to order for burial purposes the use of any burial ground, to order the discontinuance of any burial ground whenever they shall deem it for the best interests and health of the citizens of the village;

Eighteenth, To ascertain, establish and settle the boundaries and grades of all streets and alleys; to drain or cause to be filled any water hole or marshy land within the limits of said village, to cleanse any grounds, yards, basins, cellars, or vaults within said village that may be unwholesome and prejudicial to the public health and to collect the costs thereof from the owners of the premises benefited, and in default of payment to assess the same upon said premises and against the owner thereof;

Nineteenth, To establish lines upon which buildings may be erected and beyond which such buildings shall not extend, to prevent the erection of buildings in an unsafe manner, and to take all necessary measures relative to buildings deemed unsafe;

Twentieth, To establish fire limits into which no wooden building shall be moved, and within which no wooden building shall be constructed or enlarged;

Twenty-first, To regulate the building of partition and other fences, party walls, chimneys, flues, and the manner of putting up stoves and stove pipes, and other things dangerous in promoting or causing fires;

Twenty-second, To purchase and keep in order fire engines and other fire apparatus, to construct an engine house and provide such building with fire buckets and ladders for the use of the fire company, to organize, maintain, and regulate all such fire engine, hook-and-ladder companies, hose and bucket companies as may be deemed expedient, and may appoint from any of the inhabitants of said village such number of men willing to accept as may be deemed proper and necessary to be employed as firemen; every such company shall make the by-laws and rules for its government, subject to the approval of the village board;

Twenty-third, To prescribe the manner of setting posts and shade trees within said village, to provide for the construction of gutters and sidewalks, and repairing the same, to grade the walks, streets, and alleys, and prescribe the manner of planking and repairing them, the costs of planking or repairing sidewalks, grading or paving streets, walks, and alleys, and the construction of gutters to be assessed on premises adjacent to such improvements and against the owners thereof: *Provided*, 1. That the village board may appropriate such part of the village highway fund as they may deem expedient for grading: *And provided*, 2. That not more than ten per cent of the assessed value of any lot shall be collected in any one year for the purposes above named;

Twenty-fourth, To lay out, open, establish, extend, widen, straighten, alter, close, and vacate such streets, highways, alleys, lanes, water courses, squares, market places, and public parks in said village as they shall deem necessary for the public good and convenience under the restrictions provided for in this act;

Cemeteries and
burial grounds.

Boundaries,
grades, etc., of
streets.

Cleaning of
unwholesome
places.

Erection of
buildings.

Fire limits.

Partition fences,
party walls,
chimneys, etc.

Fire engines,
etc.
Engine house.

Fire companies,
etc.

Posts, shade
trees, sidewalks,
etc.

Grading, repair-
ing, paving, etc.,
and cost thereof.

Proviso.

Laying out
vacating, etc.,
of streets, etc.

- Taxes.
Railings, etc.** *Twenty-fifth,* To provide for the levying and collection of highway and other taxes, to regulate the covering of mill races at the expense of the owners thereof, to rail and curb when necessary all walks at the expense of the owners of the adjoining lots;
- Auctioneers,
peddlers, etc.** *Twenty-sixth,* To license auctioneers, peddlers, pawnbrokers, and hawkers, and to prescribe the manner in which such business should be carried on; to license and regulate the sale and peddling of anything in the streets of said village; to license sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money, to regulate the manner of conducting the same, and to prohibit and restrain those indecent and against public morals;
- Sabbath.** *Twenty-seventh,* To prevent and punish all violations of the Sabbath, to close all saloons, drinking houses, shops, and other places of business except hotels and restaurants, to be closed on the Sabbath day, and at reasonable hours of the night on week days;
- Village jail.** *Twenty-eighth,* To provide a village jail in which it shall be lawful to confine persons arrested for violation of any village ordinance or by-law until the conclusion of their trial unless admitted to bail, and also those held for trial or examination in said village before any court therein for other offenses until the close of such trial or examination as the case may be, and also any person convicted of any minor offense committed in said village when the sentence of the court shall not exceed twenty days, and shall designate it as the Portland jail of Ionia county;
- Census.** *Twenty-ninth,* To provide for taking a census of said village whenever it shall be deemed expedient so to do;
- Levying of
taxes.** *Thirtieth,* To levy taxes on all personal and real estate within the limits of said village excepting places of public worship belonging to any church society, all grounds and buildings used exclusively for educational purposes, and all property belonging to the village, town, county, or State: *Provided,* That it shall not be lawful to levy in any one year more than one per cent of the assessed valuation of the real and personal property of said village, exclusive of highway and other special taxes, which levy shall be made on or before the second Monday of November of each and
- Further proviso.** every year: *Provided,* That the tax paying electors of said village may by ballot at any annual election order a larger amount to be raised;
- Fines and
imprisonment.** *Thirty-first,* For the violation of any by-laws, ordinances, and regulations made in pursuance of this section the president and trustees may prescribe by the same ordinance either fine or imprisonment in the county jail of Ionia county, or both fine and imprisonment, or fine and imprisonment on default of payment of the same as a means of enforcing its collection: *Provided,* That all such fines prescribed shall be reasonable in amount and proportionate to the gravity of the offense, and shall in no instance exceed
- Further proviso.** the [sum] of three hundred dollars: *And provided further,* That imprisonment in no instance shall exceed the period of ninety days, and shall in all cases be reasonable;

Thirty-second. That the punishment for any offense in violation of any ordinance made in pursuance of this section shall in no way be abridged or limited by the general laws of the State in relation to the same or similar offenses;

Thirty-third. All fines shall be paid into the village treasury to be used and appropriated as shall be directed by the board of trustees aforesaid, and when only a fine or penalty is imposed the same may, if it shall not exceed one hundred dollars, be recovered before any justice of the peace in the township of Portland, and any interest any inhabitant of said village may have in the fine or penalty to be recovered shall not disqualify him to try said cause or to serve as a juror or witness therein, and the circuit court for the county of Ionia shall also have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty prescribed by said ordinances or by-laws which may be imposed upon conviction.

This act is ordered to take immediate effect.

Approved April 18, 1883.

[No. 268.]

AN ACT to amend sections eleven and sixteen of an act entitled "An act to establish a board of public works in and for the city of Detroit," being act number three hundred and ninety-two of the session laws of eighteen hundred and seventy-three, and section four of said act, as amended by act number three hundred and twenty-two of the session laws of eighteen hundred and seventy-six.

SECTION 1. *The People of the State of Michigan enact,* That sections four, eleven, and sixteen of an act entitled "An act to establish a board of public works in and for the city of Detroit," as amended by act number three hundred and twenty-two of the session laws of eighteen hundred and seventy-five, be and the same are hereby amended so as to read as follows:

SEC. 4. The board of public works shall prepare, as soon as may be, a general plan of laying out into streets and alleys, all such portions of the territory now or hereafter lying within the corporate limits of the city as shall not already be laid out, approved and platted at the time of the taking effect of this act; or without the city limits, and within two miles thereof, when directed by the common council, and may enter upon land for that purpose. "If approved," they shall endorse their approval on all plats of such streets and alleys, and no private plan shall be allowed or permitted which does not conform thereto, and no plat shall hereafter be recorded or be of any validity, unless before such record the approval of said board shall be duly endorsed thereon. Before accepting and approving any such plat, the said board of public works shall require that there be filed in their office a certificate from the proper authorities showing that all back taxes on prop-

- Changing plats.** **Property** included in said plat shall have been paid in full. Said board shall not have power to change such plats when once approved and adopted by them, unless authorized so to do by a resolution of the council, passed by a three-fourths vote of the members elect:
- Proviso.** **Provided**, That all streets and alleys shall be laid out so as to conform as nearly as may be to the lines of streets and alleys now opened.
- Board to have control of cleaning, repairing, etc., of streets.** SEC. 11. The board of public works shall have the entire charge and control of the street-cleaning, repairs of paving, and building of wooden cross-walks in the city of Detroit. They shall advertise in the month of February of each year, for proposals for cleaning and working the streets, alleys, and public places, repairing paved streets and crosswalks, and the building of wooden crosswalks for the term of one year. For this purpose they may receive proposals for the whole of the above mentioned work, or may receive proposals for doing the same by wards or districts, as they may determine; and they shall let the work to the lowest responsible bidder, who shall give adequate security for the performance of his contract: **Provided**, That they may reject all the proposals made. The board shall not change the boundaries of said district after advertising as above provided. If, in their opinion, the interests of the city require, they may employ laborers to clean and work the streets by the day or month as they may deem best. The board of public works shall report to the controller of the city of Detroit, in the month of February of each year, an estimate of each of the sums required for working or cleaning of streets, repairs of paved streets and crosswalks, building of wooden crosswalks in each ward of the city of Detroit; also for the repair or construction of public wharves, docks, bridges, platforms, culverts, receiving basins, sewers, public drains, buildings, lamp posts, and drinking or ornamental fountains, erected by the city or said board, and of all the public works to be carried on under the [their] supervision during the fiscal year, or for any other of the purposes for which money may be expended under the provisions of this act. The sum required for each ward for working or cleaning of streets, repairs to street pavements or crosswalks, shall be levied and assessed as the present ward road tax is assessed, in accordance with the charter and ordinances of the city of Detroit.
- Board to report to controller estimate of sums required for cleaning, repairing, etc., streets, etc., during fiscal year.** SEC. 16. It shall be the duty of said board to classify or divide the various works or interests under their control into departments, as far as may be, and keep an accurate account of the costs of each branch, showing the amounts expended for original improvements or construction, and the amounts for repairs, superintendence, and other expenditures, exhibiting the source of expenditure; and it shall be the duty of the said board to make a report to the common council of said city annually, in the month of June, which shall embrace the said expenditures of the different branches or departments of work under their control, and the said report shall also embrace a statement of the condition, progress, and operation of the works; and the said board shall also have charge and control of the streets, parks, and public grounds of the [said]
- Proviso.**
- Boundaries not to be changed after advertising, etc.**
- Board to report to controller estimate of sums required for cleaning, repairing, etc., streets, etc., during fiscal year.**
- Sum required to be levied, assessed, etc.**
- Board to divide and classify works into departments.**
- How accounts to be kept.**
- Board to report to council expenditures.**
- Board to regulate use of streets, etc.**

city, and may, by printed rules and orders, approved by the common council, regulate the use of the same, and provide for planting ornamental trees thereon [therein]: *Provided*, That nothing *Proviso.* herein shall be construed to authorize said board to devote any more of a public street to ornamental trees than such as is not required or used for road and sidewalk purposes.

Ordered to take immediate effect.

Approved April 18, 1883.

[No. 269.]

AN ACT to amend sections two and ten of an act entitled "An act to amend an act entitled an act amendatory to the several acts in relation to the Wesleyan seminary at Albion, and the Albion female collegiate institute," approved February ninth, eighteen hundred and fifty-seven, approved February twenty-fifth, eighteen hundred and sixty-one, as amended by an act entitled "An act to amend an act amendatory of the several acts relating to the Wesleyan seminary at Albion, and the Albion female collegiate institute, approved February twenty-fifth, eighteen hundred and sixty-one," approved March two, eighteen hundred and sixty-five, as further amended by an act entitled "An act to amend an act to amend an act amendatory of the several acts relating to the Wesleyan seminary at Albion and the Albion female collegiate institute, approved February twenty-fifth, eighteen hundred and sixty-one, approved March two, eighteen hundred and sixty-five," approved May tenth, eighteen hundred and seventy-seven, as further amended by an act entitled "An act to amend section two of act number sixty-three of the laws of eighteen hundred and sixty-one, relative to the Wesleyan seminary at Albion, and the Albion female collegiate institute," approved April twenty-two, eighteen hundred and eighty-one, and to add a new section thereto to stand as section seventeen.

SECTION 1. *The People of the State of Michigan enact*, That section two of an act entitled "An act to amend an act entitled an act amendatory to the several acts in relation to the Wesleyan seminary at Albion, and the Albion female collegiate institute, approved February ninth, eighteen hundred and fifty-seven, approved February twenty-fifth, eighteen hundred and sixty-one," as amended by an act entitled "An act to amend section two of act number sixty-three of the laws of eighteen hundred and sixty-one, relative to the Wesleyan seminary at Albion, and the Albion female collegiate institute," approved April twenty-two, eighteen hundred and eighty-one, and section ten of an act entitled "An act to amend an act amendatory of the several acts relating to the Wesleyan seminary at Albion, and the Albion female collegiate institute, approved February twenty-fifth, eighteen hundred and sixty-one," approved March two, eighteen hundred and sixty-five, as *Sections amended.*

amended by an act entitled "An act to amend an act to amend an act amendatory of the several acts relating to the Wesleyan seminary at Albion, and the Albion female collegiate institute, approved February twenty-fifth, eighteen hundred and sixty-one, approved March two, eighteen hundred and sixty-five," approved May tenth, eighteen hundred and seventy-seven, be and the same are hereby amended so as to read as follows: Also that there be added to said act and the several acts therein referred to in the title to this act a new section to stand as section number seventeen as herein-after specified.

Section added.**Vacancies in board of trustees, how filled.****Conference to elect two trustees.****Alumni to elect one trustee.****Term of office of.****Election by ballot.****Certificates of election.****Where filed.****Proviso.****Proviso.****Endowment fund committee constituted.****Terms of office of.****Members of to give bonds.**

SEC. 2. That the power to fill all vacancies occurring in the board of trustees of said Albion college by removal from the State, death, expiration of the term of office, or otherwise, is hereby and hereafter vested in the Michigan annual conference of the Methodist Episcopal church, the Detroit annual conference of the Methodist Episcopal church, and in the alumni of Albion college, as hereinafter limited and defined, so that each of the said annual conferences shall elect two trustees in each and every year and fill the vacancies occurring in the classification belonging to it, to serve for the unexpired portion of the term of the person or persons whose place he or they shall be elected to fill; and the said alumni of Albion college shall elect one trustee in each and every year after the first election as hereinafter provided, and fill the vacancies occurring in the membership on said board supplied by said alumni, as provided in case of a vacancy in either conference representation. Each of said trustees elected for a full and regular term shall hold his office for the term of three years and until his successor shall have been elected. The election shall be by ballot; each trustee elected by one of said conferences shall receive a certificate of his election from the secretary of the annual conference by which he shall have been elected; and each trustee elected by said alumni shall receive a certificate of his election from the secretary of the meeting of said alumni at which such election shall have been had, which certificates of said secretaries of said electing bodies shall be filed in the office of the clerk of the county of Calhoun:

Provided, That the trustees now in office shall continue in office during the respective terms for which they were elected: *Provided*, That the board of trustees shall have power and authority to hear and determine all questions as to the election of members of such board.

SEC. 10. That a committee be and is hereby constituted to be known as "the Albion college endowment fund committee," to consist of three, of whom at least two shall be members of the Methodist Episcopal church, and all shall be residents of the State of Michigan. The first members of said committee shall hold their offices respectively for the terms of three, six, and nine years from the first day of January, eighteen hundred and sixty-five, and triennially thereafter one member of said committee shall be appointed by the board of trustees of Albion college to serve nine years in the place of the one whose term of office shall have expired; and the members of said committee shall give bonds to said board of

trustees for the faithful discharge of their duties according to the intent of the law under which they are appointed ; and they shall receive such reasonable compensation for their respective services as said board of trustees shall allow ; and all vacancies occurring in said committee shall be filled by said board of trustees ; and said committee may appoint one of their number chairman and treasurer with power and authority to execute and acknowledge discharges of all liens, mortgages, or other securities held by said committee whenever the same shall have been paid in full : *Provided*, That the members of said committee, as now constituted, shall be and continue members thereof for and during the terms for which they were respectively appointed, and with the same powers and subject to the same liabilities as if this act had not passed.

SEC. 17. That the number of trustees of [said] Albion college be increased from twelve to fifteen by the addition of three trustees to be elected by the graduates or alumni of said institution in addition to the twelve elected by the two conferences in equal moieties as heretofore ; that such election shall take place at the annual meeting of the alumni of said college, to be held at said college in the month of June, and during the last week of the college year in each and every year hereafter, at such time as said alumni shall fix, the same to be published in the annual catalogue of said college, and at the first election by said alumni, which shall be held at the annual meeting of said alumni at said college on the twentieth day of June, eighteen hundred and eighty-three ; the members of said alumni entitled to vote thereon, as hereinafter provided, shall elect three trustees of said college, one of whom shall hold his office for the term of one year from the first day of July, eighteen hundred and eighty three, one of whom shall hold his office for the term of two years from said day, and one of whom shall hold his office for the term of three years from said day, and annually thereafter shall elect one trustee for the term of three years from the first day of July following such election ; and if any person so elected shall be a graduate of said college, in order to be eligible to said office, he shall have graduated at least five years previous to the time of entering upon his said office ; and no person graduating from said college shall be qualified to vote at any election of trustee by said alumni until the year following his graduation ; and at least two of the persons elected trustees by said alumni shall at all times be members of the Methodist Episcopal church in good standing and in full connection ; and the election of a person not such member by said alumni at a time when the sitting members of said board elected by said alumni and being members of said church are less than two, shall be deemed void and such office vacant : *Provided*, That the graduates or alumni entitled to vote for election of trustees as aforesaid shall be deemed to be those persons only who have pursued and completed one of the regular four years' literary courses of study in said institution, and

Number of trustees increased.

Election of additional trustees.

Terms of office of.

Who eligible.

Who qualified to vote.

When election shall be deemed void, etc.

Provided.

shall have been graduated as such and since said institution was organized as Albion college.

Ordered to take immediate effect.

Approved April 18, 1883.

[No. 270.]

AN ACT to amend act number three hundred and thirty-seven of the session laws of eighteen hundred and seventy-seven, entitled "An act to re-incorporate the village of Saline, in the county of Washtenaw," approved May twelfth, eighteen hundred and seventy-seven, by adding a new section thereto to stand as section six.

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act to re-incorporate the village of Saline, in the county of Washtenaw," approved May twelfth, eighteen hundred and seventy-seven, be and the same is hereby amended by adding a new section thereto to stand as section six, as follows:

Erection of wooden buildings within certain limits, etc.

SEC. 6. The common council of said village may prescribe by ordinance, from time to time, limits or districts within which wooden buildings and structures shall not be erected, placed or enlarged, and to direct the manner of constructing buildings within such districts, with respect to the protection against fire, and the material of which the outer walls and roofs shall be constructed.

Ordered to take immediate effect.

Approved April 18, 1883.

[No. 271.]

AN ACT to amend section one, of act number fourteen, of the session laws of eighteen hundred and forty, entitled "An act to incorporate the fire department of the city of Detroit," approved February fourteenth, eighteen hundred and forty, as amended by act number eight, session laws of eighteen hundred and fifty-nine, approved January twenty-fifth, eighteen hundred and fifty-nine, as amended by act number one hundred and ninety, of session laws of eighteen hundred and sixty-one, approved March fifteenth, eighteen hundred and sixty-one, as amended by act number four hundred and forty, of session laws of eighteen hundred and sixty-nine, approved April third, eighteen hundred and sixty-nine, as amended by act number three hundred and fifty-one, of local acts of eighteen hundred and seventy-seven, approved May twenty-first, eighteen hundred and seventy-seven, and to repeal section thirteen of said act, and to add a new section thereto, to stand as section fourteen.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to incorporate the fire department of the city of Detroit," approved February fourteen, eighteen hun-

[No. 272.]

AN ACT to authorize the township of Kearney, in the county of Antrim, to sell and convey certain lands to the county of Antrim.

Sale and conveyance authorized.

SECTION 1. *The People of the State of Michigan enact,* That the township of Kearney, in the county of Antrim, is hereby authorized to sell and convey to the county of Antrim, the town hall belonging to said township, together with lots number twelve and thirteen in block G, in the village of Bellaire, in said county, on which said town hall is situated, and upon such sale the supervisor and clerk of said township are authorized to execute, acknowledge, and deliver a deed thereof with or without covenants of warranty.

Purchase and payment authorized.

SEC. 2. The board of supervisors of the county of Antrim are hereby authorized to purchase from said township of Kearney, the town hall and village lots as specified in section one of this act, and to pay for the same.

Ordered to take immediate effect.

Approved April 21, 1883.

[No. 273.]

AN ACT to amend section sixteen of an act entitled "An act to incorporate the village of Plainwell, in the county of Allegan," approved March twenty-sixth, eighteen hundred and sixty-nine, also to add two new sections to stand as sections thirty-seven and thirty-eight.

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That section sixteen of an act entitled "An act to incorporate the village of Plainwell, in the county of Allegan," approved March twenty-sixth, eighteen hundred and sixty-nine, be and the same is hereby amended so as to read as follows:

Sale of real estate for non-payment of taxes, etc.

SEC. 16. The tax upon real estate with all the assessments for the purposes named in section eleven of this act shall be put down in the assessment roll by itself in a column, and whenever such tax or assessment, and all taxes on real estate returned for non-payment of taxes, as provided for in the preceding section, shall remain unpaid at the expiration of the warrant to the marshal, as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assessment, with interest on said tax and assessment at the rate of ten per centum per annum, to be sold at public auction, at some public place in the village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all necessary charges thereon, first giving at least thirteen weeks' notice of the time and place of sale by advertisements posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village. An affidavit of said publication, recorded in the manner prescribed in the thirteenth section of this

Notice of sale.

act, shall be deemed *prima facie* evidence of the fact of such publication.

SEC. 2. That two new sections shall be and are hereby added to ~~Sections added.~~
said act numbered three hundred and fifty-five of the session laws
of one thousand eight hundred and sixty-nine, to stand as sections
thirty-seven and thirty-eight, the same to read as follows:

SEC. 37. In case of the death or resignation of the treasurer of ^{When office of}
said village, or in case such treasurer shall at any time fail to ^{treasurer may be}
account for and pay over, in accordance with the ordinances and ^{declared vacant,}
by-laws of said village, any and all moneys received by him as such ^{etc.}
treasurer, or in case of his removal from said village, the president
and trustees shall have full power and authority to declare the
office of treasurer vacant, and to appoint a treasurer for the unex-
pired term.

SEC. 38. The president and trustees of the village of Plainwell ^{Sidewalks.}
shall have power to repair and rebuild the sidewalks within the
corporate limits of said village.

Ordered to take immediate effect.

Approved April 21, 1883.

[No. 274.]

AN ACT to incorporate the village of Emmett, in the county of St. Clair.

SECTION 1. *The People of the State of Michigan enact,* That all ^{Territory incor-}
that district of territory in the township of Emmett, in the county ^{porated.}
of St. Clair, in the State of Michigan, described as follows: Section
thirty-six (36), and the east half of section thirty-five (35), in
township number seven (7) north, of range fourteen (14) east, is
hereby constituted a village corporate to be known and designated
as the village of Emmett.

SEC. 2. The first election of officers of said village shall be held ^{First election of}
on the first Tuesday in May, in the year one thousand eight hun- ^{officers.}
dred and eighty-three, at Cogley's hall in said village.

SEC. 3. William H. Butler, James Cogley, and Frank Brogan ^{Board of regis-}
are hereby constituted a board of registration for the purpose of ^{tration for.}
registering the voters for the first election to be held in said vil-
lage, and they are hereby required to meet on the Saturday pre- ^{Meeting of.}
ceding the first Tuesday in May, in the year of our Lord eighteen
hundred and eighty-three, at Cogley's hall in said village, and reg-
ister the names of all persons residents of said village presenting
themselves for registration having the qualifications of voters at
annual township meetings.

SEC. 4. Notice of said first election of officers of said village shall ^{Notice of first}
be posted in three of the most public places in said village at least ^{election of}
ten days before said election, which notice may be signed by the ^{officers.}
board of registration as provided for in section three of this act, or
by any three freeholders of said village.

SEC. 5. The said village of Emmett shall in all things not herein

General law governing.

otherwise provided be governed by and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, in the year of our Lord eighteen hundred and seventy-five, and the acts amendatory thereof.

Further provision for election.

SEC. 6. In case the said officers are not elected at the time designated in sections two and three of this act an election of officers may be held at any time within one year from the time designated in said sections two and three of this act, on notice being given as provided therein.

This act is ordered to take immediate effect.

Approved April 21, 1883.

[No. 275.]

AN ACT to incorporate the village of Montague, in the county of Muskegon.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact,* That the following lands in the township of Montague, in the county of Muskegon, and State of Michigan, described as follows, to wit: Entire fractional section twenty (20), the west half of fractional section twenty-one (21), entire fractional section twenty-nine (29), and all that part of fractional section thirty-two (32) lying north and west of White lake, all in town twelve (12) north, of range seventeen (17) west, be, and the same is hereby constituted a village corporate by the name of the village of Montague.

First election of officers.

SEC. 2. The first election for officers of said village shall be held at the engine house in said village, on the third Monday in April in the year of our Lord, eighteen hundred and eighty-three, notice of which shall be posted in three of the most public places in said village, by the board of registration hereinafter appointed, at least ten days prior to such election; said notice shall also be published at least once prior to said election in the Montague Lumberman.

Board of registration for first election.

SEC. 3. Frank Bracelin, Christian L. Streng, and Gerhard Leuhrs are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet at the engine house aforesaid, on the Saturday preceding the third Monday in April, eighteen hundred and eighty-three, and register the names of all persons who are residents of said village, presenting themselves for registration, and having the qualifications of voters at annual township meetings; and said board of registration shall cause notices of said meeting to be posted in three or more of the most public places in said village at least ten days previous thereto.

Notice of meeting.

SEC. 4. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be had at any time within one year from the time so designated in

Further provision for election.

section two of this act, on notice being given as provided in said section.

SEC. 5. The bridges and approaches thereto, now built or that may hereafter be built within the limits of the territory described in section one of this act, shall be built and maintained by the township of Montague, or county of Muskegon, in the same manner as though said village of Montague was not incorporated. Bridges, etc., to be built and maintained by township.

SEC. 6. The said village of Montague shall, in all things not herein otherwise provided, be governed, and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereof. General laws governing.

This act is ordered to take immediate effect.

Approved April 24, 1883.

[No. 276.]

AN ACT to incorporate the village of Hesperia, in the counties of Newaygo and Oceana.

SECTION 1. *The People of the State of Michigan enact,* That the following described territory to-wit: The southwest quarter ($\frac{1}{4}$) of section thirty (30), the northwest quarter of section thirty-one (31), in township [fourteen] (14) north, of range fourteen (14) west, and the northeast quarter ($\frac{1}{4}$) of section thirty-six (36), and the southeast quarter ($\frac{1}{4}$) of section twenty-five (25), township fourteen (14) north, of range fifteen (15) west, in the townships of Denver, Newaygo county, and Newfield, Oceana county, be and the same is hereby constituted a village corporate, to be known as the village of Hesperia.

SEC. 2. The first election of officers of said village shall be held at the store of Harman K. Bush, on the second Monday in May, in the year of our Lord eighteen hundred and eighty-three, due notice of which election shall be given by the board of registration hereinafter appointed by posting notices in three public places in said village ten days before said election and by causing a copy of said notice to be published in the "Hesperia News," a newspaper printed and published in said village, at least two weeks before said election. First election of officers.

SEC. 3. Levi W. King, Daniel Weaver, and Harman K. Bush, are hereby constituted a board of registration, for the purpose of registering voters for the first election to be held in said village, and said board of registration shall meet on the Saturday next preceding said day of election, at the store of Harman K. Bush, and remain in session the same hours required of the boards of registration at general elections, and register the names of all persons residing in said village and having the qualifications of voters at annual township meetings, due notice of which registration shall be made by said board by posting notices thereof in three public places in said village ten days previous to said meeting for registration. Board of registration for first election. Meeting of. Notice of meeting.

Further provisions for election. tion and by publishing said notice in the "Hesperia News," a newspaper printed and published in said village, two weeks before said meeting of said board of registration.

General law governing. SEC. 4. In case said officers are not elected at the time designated in section two of this act, an election for officers may be held at any time within one year from the time designated in said section two, on notice being given as required herein.

Bridges to remain the property of townships. SEC. 5. The said village of Hesperia shall, in all things not herein otherwise provided, be governed and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto.

SEC. 6. It is hereby provided that the two bridges crossing White river within the limits of said village of Hesperia be and shall remain the property of the townships to which they severally belong, and that said bridges shall be maintained by said townships.

This act is ordered to take immediate effect.

Approved April 24, 1883.

[No. 277.]

AN ACT to amend section twenty-three of an act entitled "An act to incorporate the village of Caro, in the county of Tuscola," being act number two hundred, of the session laws of eighteen hundred and seventy-one, approved February twenty-one, eighteen hundred and seventy-one.

Section amended.

Common council may submit resolution to raise money to construct water-works, reservoirs, etc., purchase fire engines, etc., for fire protection, to vote. SECTION 1. *The People of the State of Michigan enact,* That section twenty-three of an act entitled "An act to incorporate the village of Caro, in the county of Tuscola," being act number two hundred, of the session laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Special election for. SEC. 23. The common council may submit a resolution to raise money by a tax, or to issue bonds of the village of Caro, for the purpose of raising money for building reservoirs and supplying the same with water, as mentioned in the preceding section, or for purchasing fire engines and other implements for extinguishing fires, or for putting in suitable water-works for fire protection and such other purposes as they may deem expedient, to the qualified electors of said village of Caro, who are tax payers therein, at the time such resolution may be voted upon, and may call a special election for the purpose of voting upon such resolution, and they shall have power to issue bonds of said village of Caro, or raise money by a tax, to any amount that a majority of said electors voting upon such resolution shall authorize. Such resolution, so submitted to be voted upon, shall specify the amount of money to be raised, and the manner of raising the same, and the purposes for which it is to be used, and the common council shall not have power to raise money for any of the purposes mentioned in this section, except a

What resolution to specify.

majority of all the votes cast upon such resolution be in favor thereof. The common council may appoint from among the inhabitants of said village such number of men, willing to accept, as may be deemed proper and necessary, to be employed as firemen, and every such company shall make their own by-laws, and rules for organization and government of the company, subject to the approval of the common council, and upon the alarm and breaking out of any fire in said village, such fire company shall forthwith assemble at the place of such fire, with the engine and other implements of the company, and subject to the orders of the chief engineer, or other person for the time being lawfully acting as chief engineer of the fire department; and the common council shall have power to raise money by tax, which tax shall be designated as a water tax for the purpose of maintaining any system of fire protection that may be established in pursuance of this section.

This act is ordered to take immediate effect.

Approved April 24, 1883.

[No. 278.]

AN ACT to provide for the construction and maintenance of stone or macadamized roads in Bay county.

SECTION 1. *The People of the State of Michigan enact,* That those portions of the Cass river and Bay City State road, the Port Huron, Bay City and Lansing State road, and the East Saginaw and AuSable State road, which are situate within the county of Bay, and not in the limits of Bay City or West Bay City, shall continue to be known and denominated as State roads, and as such the board of supervisors of the county of Bay, when thereto authorized by the vote of the electors of said county, may raise and expend money to macadamize, gravel, or otherwise improve the same, and for the maintenance thereof; and the action of said board of supervisors heretofore had in issuing bonds and raising money for the repair and improvement of said roads is hereby ratified and declared to be valid.

SEC. 2. In order to provide for the care, preservation and extension of such roads, the cities of Bay City and West Bay City, and the townships of Monitor, Williams, Frankenlust, Bangor, Kawawlin, and Hampton in said county of Bay, are hereby declared to be a stone road district.

SEC. 3. At the next meeting of the board of supervisors of Bay county three stone road commissioners shall be elected by said board, who shall hold office as follows: One for one year, one for two years, one for three years, and each shall hold until his successor is elected and qualified, and each year thereafter one of such commissioners shall be appointed who shall hold his office for three years. Said commissioners shall give bonds in such sum as shall be fixed by said board, and with such sureties as shall be approved by said board, conditioned for the faithful performance

- Proviso.** of the duties of their respective offices: *Provided*, That the persons eligible as such commissioners shall be electors of said stone road district: *And provided further*, That no person holding the office of supervisor of said county, or any county office in said county, shall be capable of holding the office of such stone road commissioner: *Provided further*, That if any person so elected fails to file the oath of office and give the bond above required within ten days after such election, or if any vacancy occurs in the office of such commissioner in any way, the board of supervisors may at any time fill such vacancy.
- Commissioners to have charge of roads, etc.** SEC. 4. Said commissioners shall have exclusive care and charge of the stone roads constructed by said county, and when assembled together shall be known as the board of stone road commissioners. In the month of June of each year said board of commissioners shall meet at the office of the county clerk of Bay county, and shall then and there determine the amount of tax to be raised for such year in said stone road district, but not exceeding one-half of one mill on the dollar of the valuation of taxable property in said district, according to the valuation of the various assessment rolls of the preceding year, and shall cause such determination to be recorded in their records, and at the annual meeting of the board of supervisors in October the clerk shall lay such determination before said board of supervisors, and said board shall thereupon direct the levy of the same in the various towns and cities aforesaid in said district, and the supervisors and other assessing officers shall levy the tax so apportioned on their respective towns and on the cities aforesaid, and the money shall be collected and paid over to the county treasurer in the same manner as county taxes, and the county treasurer shall keep a separate account of such moneys.
- Annual meeting of commissioners.** SEC. 5. Said commissioners shall receive two dollars and fifty cents per day for their services actually and necessarily rendered: *Provided*, That the total amount to be paid to any one commissioner for his personal services for any one year shall not exceed fifty dollars.
- To determine amount to be raised.** SEC. 6. The money raised under the provisions of this act shall be exclusively applied to the repair, care of, and extension of the various stone roads now in process of construction by the board of supervisors of Bay county. Said commissioners shall maintain and keep said stone roads in repair, and may extend the same, and for that purpose may employ such agents, assistants, and laborers as may be necessary. Said commissioners shall be incapable of incurring any indebtedness, and shall only be authorized to disburse the funds actually collected after they shall have been received into the county treasury. Each year at the annual session of the board of supervisors in October said commissioners shall make a full and detailed report of their proceedings during the current year, setting forth a statement of all moneys received and disbursed, and for and on what account the same has been disbursed, which report shall be signed by said commissioners or by a majority thereof. The board of supervisors may at any time call upon said commissioners to make such report, and when so required it
- Determination to be recorded at, presented to supervisors at annual meeting.**
- Assessment, levy, and collection of tax for.**
- Compensation of commissioners.**
- Proviso.**
- How money raised to be applied.**
- Duties and powers of commissioners, etc.**
- Annual report of commissioners to supervisors.**

shall be the duty of such commissioners forthwith to make and return the same to the board of supervisors. Said commissioners shall not be pecuniarily interested directly or indirectly, in any contract made with reference to said roads, or in any work done thereon, or materials provided therefor.

SEC. 7. All moneys hereafter raised by said board of supervisors within the townships and cities aforesaid for the purpose of constructing or improving said stone roads shall be expended under the direction of said commissioners, and the same shall be drawn from the county treasury only upon the warrant of said commissioners; and as soon as such commissioners shall be elected and shall have entered upon the performance of the duties of their respective offices, said board of stone road commissioners shall thenceforth have full power and control over the expeditures of any moneys there may be then on hand of the money heretofore raised for said purpose by said county, and thereafter the same shall be paid out by the county treasurer only on the warrant of said commissioners.

This act is ordered to take immediate effect.

Approved April 24, 1883.

Commissioners
not to be inter-
ested in con-
tracts, etc.

How money
expended,
drawn, etc.

[No. 279.]

AN ACT to amend section twenty-seven of an act entitled "An act to incorporate the village of Caro, in the county of Tuscola," being act number two hundred of the session laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact,* That section twenty-seven of an act entitled "An act to incorporate the village of Caro in the county of Tuscola," being act number two hundred, of the session laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

SEC. 27. The common council shall have power to lay out and establish, open and extend, widen, straighten, alter, close, vacate, and improve such streets, highways, alleys, water courses, squares, parks, and market places in said village as they shall deem necessary for the public good and convenience; and if in opening thereof the property or lands of any person shall be required for such purpose, the common council shall so declare by resolution, stating therein a description of the lands, premises or property required, and the purposes for which the same are to be used, and that the common council will meet on some day named in the resolution to take action in regard to the matters, and notice of such meeting shall be given to the owners or parties interested, or his, her, or their agent or representative by personal service of a copy of such resolution six days before the day of meeting mentioned in said resolution or by publication of a copy of such resolution in a newspaper published in said village, if any there be, once in each week for three successive weeks previous to the time

Section
amended.

Laying out and
opening of
streets.

Notice to be
given when pri-
vate property is
to be taken.

Negotiations for property. appointed in said resolution for the meeting of the common council; and the common council is hereby authorized to negotiate with the person or persons interested in or owning such lands, premises, or property for the same, and to pay therefor such reasonable sum as may be agreed upon. But if such person or persons shall refuse to negotiate for such land, premises or property, or if for any other cause there shall not be an agreement or bargain between the parties therefor, it shall be lawful for the common council, at the time of the meeting appointed in such resolution to direct or cause any justice of the peace in the township of Indian Fields to issue a precept under his hand in the nature of a *venire facias*, directed to the marshal of said village, commanding him

Proceedings when parties cannot agree, etc. **Jury to be summoned.** to summon a jury of twelve disinterested freeholders of said township to appear before such justice of the peace at a time therein to be stated, and not less than three nor more than six days from the issuing thereof, and in case of the refusal of any of said jurors named in the *venire facias*, after being duly summoned, to appear before said justice, he shall have power to issue an attachment to bring them before him, in the same manner as is provided for justices of the peace in civil cases by the laws of this State, or may authorize the said marshal to summon talesmen to complete said jury; and said jurors are hereby authorized to inquire into and determine the necessity for the improvement mentioned in said resolution and the necessity for taking the land, premises, or property described in said resolution for such improvement, and said jury shall also, provided they shall determine that such necessity exists, inquire into and assess the damage and recompense due to the owner or owners of, or parties interested in, such land, premises, or property, which jury being duly sworn by said justice faithfully and impartially to inquire into and determine the necessity for the improvement mentioned in said resolution, and the necessity for taking such land, premises, or property for such improvement, and to inquire into and assess such damages as they shall deem fit and just to be awarded to the owner or owners of or parties interested in such lands, premises, or property as they shall determine necessary for said improvement, for their respective damages or losses, according to their several interests and estates therein: and the said justice shall, upon the return of such determination and award, enter judgment confirming the same, and the sum or sums that may be so awarded, together with his, her, or their costs, shall be paid or tendered to the persons entitled thereto if residing in said village, and if not residing therein then to be paid into the village treasury for the use of such persons or claimant, before such land, premises, or property shall be taken as so determined; but if the jury find that the claimant is not entitled to any damage, then it shall be competent for such justice to render judgment against such claimant for all costs and issue execution therefor:

Jury to determine necessity for taking property, and assess damages. **Judgment to be entered by justice.** *Provided*, That the common council or any party claiming damage may have the right to remove such proceedings for the purpose of determining such necessity and the amount of damages, whenever either party shall feel aggrieved by the verdict of said jury and the judg-

Proviso.

ment rendered thereon, by appeal to the circuit court for the county of Tuscola, upon giving notice to the said justice in writing of their intention so to do within ten days, or in case of the absence from the village of the claimant at the time of the rendition of the verdict and judgment, within thirty days after the rendition of such verdict and judgment, the appellant first to pay all costs before said justice and to give a bond with sufficient sureties, to be approved by said justice, conditioned to pay all costs that may be awarded against such appellant in the said circuit court: *Provided further,* That if final judgment, in case any claimant for damages shall so appeal for an increase of damages shall not exceed the damages assessed before the justice at least ten dollars, then the party appealing shall pay all costs occasioned by such appeal, and in case it shall be finally determined that such necessity exists for taking such land, premises, or property for such purposes, as described in said resolution, then it shall be lawful for the common council to cause the same lands, property, or premises to be immediately converted to and for the purposes and use mentioned in said resolution, and after payment or tender of payment of all damages and costs awarded, in the manner as hereinbefore stated.

Further proviso.

This act is ordered to take immediate effect.

Approved April 25, 1883.

[No. 280.]

AN ACT relative to justices' courts in the city of Detroit.

SECTION 1. *The People of the State of Michigan enact,* That there shall be three justices of the peace in and for the city of Detroit, who shall be elected at the regular charter election of said city, or at the general election held in the fall of the year, in the same manner, and shall hold their offices for the same term, by the same tenure, possess the same jurisdiction, powers, duties, and liabilities as justices of the peace for townships; but the six justices of the peace of said city in office at the time this act shall take effect, shall continue to hold their offices for the terms for which they were elected, and in conformity to the general laws of this State, except as may be herein otherwise provided: *Provided how-* *Proviso.* *ever,* That no successors to the three justices of the peace whose terms of office expire in the month of July, eighteen hundred and eighty-four, shall be elected, and the offices of the justices of the peace, the terms of which then expire, shall be and the same are hereby abolished and discontinued, from and after July fourth, in the year eighteen hundred and eighty-four, and the files, records, and dockets belonging or appertaining to said offices hereby abolished, shall be filed by the retiring justices, in the clerk's office hereinafter mentioned, and therein safely kept; and each justice of the peace, acting under the provisions of this act, whose term of office shall soonest expire by its own limitation, shall be and is hereby authorized and empowered to issue execution upon any judgment

Election, term of office, jurisdiction, powers, duties, etc., of.

Present justices to continue to end of term.

Offices abolished.

Files, records, dockets, etc., to be filed with clerk.

appearing upon said dockets in the same manner, and with like effect as if such judgment had been rendered by him.

Offices, dockets,
furniture, etc.,
to be furnished
by auditors.

SEC. 2. The auditors of the county of Wayne shall provide a suitable court room for the accommodation of each of said justices of the peace, and also an office for the clerk hereinafter mentioned, which office and court rooms shall be contiguous to each other; and the said auditors shall further provide a docket for each of said justices, and also all necessary furniture, fuel, books, blanks, and stationery for the use of such justices and clerk.

Salary of jus-
tices.

SEC. 3. Each of said justices of the peace shall be entitled to receive from the treasury of the county of Wayne, an annual salary of fifteen hundred dollars, payable monthly, on the certificate of the said county auditors; but no such certificate shall be granted by said auditors, until the justice asking for the same, has made and filed with them his affidavit, setting forth the number of days he has been in actual attendance at his court room, ready for business, during the period for which the certificate is intended to cover; and for such time thus spent in attendance to business only, shall he be allowed in said certificate, a deduction of three dollars being made for each half day's absence; but if he is unable to attend to the duties of his office by reason of his illness, he shall be charged with no lost time. Each of said justices shall have his court room open, and he shall be in attendance to the duties of his office therein from nine o'clock in the morning until twelve o'clock noon, and from half past one o'clock until five o'clock in the afternoon, except on all legal holidays.

Office hours of
justices.

SEC. 4. There shall be one clerk for said justices of the peace, to be known as the clerk of justices' courts for Detroit, who shall be appointed by said auditors forthwith, on the making and filing with them, the [written] recommendation of at least two of said justices; but if for any reason no recommendation be so made and filed for a period of five days after the fourth day of July in each year, the said board of auditors may appoint on their own motion, with same effect as though such recommendation had been so made and filed by said justices, and his term of office shall be one year, dating from the fourth day of July in each year, and he shall receive an annual salary of one thousand dollars, payable monthly, from the treasury of said county, for the faithful discharge of the duties of his office. It shall be his duty to keep a true record of each of said justice's courts, with the assistance of the respective justices of the peace, and enter all judgments in the dockets under the direction of the justice rendering the same, in the time and manner provided by law; but after such entry, each judgment shall be signed by the justice by which it was rendered. The said clerk shall also file and safely keep all books and papers belonging or appertaining to, the said courts, and enter in a book provided for that purpose, a list of the names of all jurors that sit on the trial of cases before the said justices, with the names arranged in alphabetical order, together with the date or dates that each juror so sat, with a reference to the page of the docket where the proceedings of the trial are entered; he shall also fill up all processes and

Term of office.

Salary.

Duties of

blank forms on request, and make all writs returnable to [the] said justices in regular rotation; and if upon the return or adjourned day of any cause, the justice issuing the process therein should be absent at the time to which the same was adjourned, or made returnable, the next justice in the regular order of issuing writs, if present, and if not the other justice shall have the same jurisdiction to proceed therein, as though it had been originally commenced before him, but the record thereof shall be entered in the docket of the justice issuing the original process. The said clerk shall also receive all costs, fines, and dues of every description, which are provided by law in all proceedings, in said justices' courts, and shall pay the same weekly to the treasurer of said county, and take his receipt therefor. He shall have power generally to administer oaths, and take affidavits; and before entering ^{Bond of.} upon the duties of his office, he shall make and file, in the office of the clerk of said county, a bond in the penal sum of five thousand dollars, with two or more sufficient sureties, to be approved by the said county auditors, conditioned that said clerk will weekly, well and truly pay to the said county treasurer all moneys received by him, as said clerk, for the use of the said county, and otherwise fully and faithfully discharge all the duties of his said office.

SEC. 5. Before any civil action or proceeding shall be commenced in any of said courts, there shall be paid to the said clerk, by the party bringing the same, the sum of one dollar, and before the trial of any such action or proceeding shall be commenced, the further sum of three dollars; and any party demanding a jury, shall advance the fees therefor, and the same shall be disposed of by the clerk, as is now provided by law in justices courts; and before any affidavit, or appeal, or writ of *certiorari* shall be served on either of said justices of the peace, in addition to the costs now provided by law, for making returns to appeals or *certiorari*, the further sum of four dollars shall be paid to said clerk, by the appellant or plaintiff in error, and the clerk therewith shall pay the entry fee in the circuit court, and at the same time file therein the return to the appeal or *certiorari* as the case may be. The moneys ^{Fees to be paid to clerk before commanding any civil proceeding, etc.} so paid shall be for the use of the said county, and shall be held to be ^{Disposition of money so paid in.} in full of all fees now allowed by law to said justices in civil cases, from the commencement of the action to and including the issuing of execution. The sum or sums so paid, including the jury fees, shall be taxed as costs of suit in favor of the party paying the same, if he be the prevailing party in the suit, in addition to any other costs to which he may be entitled by law. In criminal cases the costs shall be paid in the same manner as now provided by law, except that the same shall be paid to the said clerk. Any ^{Suits, etc., pending, to be governed by law and practice now in force.} suit, cause, or proceeding pending before any of said justices of the peace in said city at the time this act goes into operation, shall be tried, heard, and disposed of according to the law and practice now in force.

SEC. 6. The provisions of this act shall not apply to the three justices of the peace in office in said city at the time this act takes effect, whose terms of office expire in the month of July, in the year ^{To what justices provisions of this act to apply.}

eighteen hundred and eighty-four, but the three justices of the peace in said city whose terms of office do not then expire, shall hold their said offices and perform the duties thereof under the provisions of this act, and receive the compensation for the performance of such duties as is herein provided from the time this act goes into operation, and the successors to said last mentioned justices of the peace shall be elected from time to time as is now provided by law. This act shall in no way affect the fees to which justices of the peace may be entitled on the performance of marriage ceremonies; nor shall it affect the fees to which constables are entitled, or the present method of paying them, but all writs except subpoenas issued by any of the justices to which this act applies, shall be directed to, and be served by any constable of said county of Wayne, and by no other person or official.

Act not to affect fees in certain cases.

Rules of practice.

SEC. 7. The judges of the circuit court for said county of Wayne, may prescribe rules to govern the practice in the said justice courts.

This act is ordered to take immediate effect.

Approved April 25, 1883.

[No. 281.]

AN ACT to provide for the taking of private property for the public use, and for the opening of streets and alleys by the city of Detroit.

City authorized to open, extend, etc., streets, etc., and to take private property therefor.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Detroit is hereby authorized to open, extend, widen, or straighten streets and alleys in said city for the public use and benefit, and to take private property therefor, and institute and prosecute proceedings for that purpose, in accordance with the provisions of this act.

Declaration of common council of necessity for, to be by resolution. What resolution to contain.

SEC. 2. Whenever the common council of the city of Detroit shall deem it necessary for the use and benefit of the public to make any such improvement, and to take private property therefor, said council shall, by resolution, so declare, and also describe such property, and designate the purpose for which it is to be taken, and fix and describe a special taxing district, embracing only the taxable real estate which, in the opinion of said council, will be benefited by such improvement. Said resolution shall direct the city attorney to institute proceedings in the recorder's court of said city, to carry out the objects of such resolution.

City attorney to prepare and file petition in recorder's court.

SEC. 3. Upon the passage by the common council of such resolution, it shall be the duty of the city attorney to prepare and file, in the name of the city, in the recorder's court of said city, a petition signed in the name of the city, by the city attorney in his official capacity, which shall allege the passage of, and have annexed thereto, a certified copy of said resolution; shall describe all the lots, tracks, and parcels of private property proposed to be taken, or assessed, and set forth the names of the owners, occupants, mortgagees, lessees, and others interested in such lots, tracts,

What to allege.

and parcels, respectively, as far as the same can be ascertained, and shall allege that it is necessary to take such property for the public use and benefit; and pray that a jury may be empaneled to determine whether it is necessary to make such improvement, and to take such property for the public purpose therein stated, and to ascertain and fix the just compensation to be paid therefor, and to assess and apportion one-half of the compensation awarded in the case of the opening of streets, and the whole amount of the compensation awarded in the case of alley openings, upon such portion of the real estate within the assessment district as may be benefited by such improvement. The petition may pray for any other or further relief deemed necessary within the objects of this act.

SEC. 4. One-half of the damages and compensation awarded by ^{Damages and compensation.} the jury, and all the expenses of opening, extending, widening, or straightening streets, and all the expenses of opening, extending, widening, or straightening alleys, shall be paid by the city and raised by a general tax, to be levied and collected according to the provisions of the charter of the city.

SEC. 5. Upon filing said petition it shall be the duty of the clerk of said court, upon request in writing of the city attorney, to issue ^{Summons to be issued upon filing petition.} a summons against the respondents named in the petition commanding them, in the name of the people of the State of Michigan, to appear before said court at a time and place to be named in said summons, not less than twenty no [nor] more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

SEC. 6. Said summons shall be served by the sheriff, under sheriff, ^{Service and return of summons.} or deputy sheriff of the county, at least five days before the return day thereof, upon all the respondents found within the county of Wayne, by exhibiting the original and delivering a copy to each of them; and service of said summons upon all other respondents shall be made by publishing for five successive days a copy of such summons in at least one daily paper published in said city, to be designated by the judge of said recorder's court; the return of the sheriff to said summons and affidavits showing due publication of said summons, shall be filed in said court before a jury shall be empaneled, and be sufficient evidence of service on the respondents and of the manner of service, and thereafter all respondents shall take notice of and be bound by all subsequent proceedings without further notice.

SEC. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the court shall make an order that a jury be empaneled in the cause. Such jury shall be composed of resident freeholders of the municipality, and shall be ^{Order for empan-eling a jury.} ^{Or whom com-posed.} selected and empaneled as hereinafter provided.

SEC. 8. On the first Tuesday of June in each year, between the ^{Jury list.} hours of nine and twelve o'clock in the forenoon, the assessor of the city of Detroit, the clerk of said court, and the sheriff of the county of Wayne shall meet together in the office of the said assessor in said city, and shall then proceed in public to select from

the last annual ward assessment rolls of said city, which rolls the custodian shall produce before them, a list of three hundred persons to serve as jurors in said court—the persons so selected to be qualified electors and freeholders in said city of Detroit, and capable of understanding and speaking intelligibly the English language. Said list shall be signed by the said assessor, clerk, and sheriff, if they all be present and assist in the making thereof:

Proviso. *Provided*, That any two of them shall be authorized to select such list and sign the same in the absence of the third: *Provided further*,

Further proviso. That if said list is not selected as above provided, or if for any reason a legal list shall not have been made, the recorder's court may, by an order, entered of record, command the said assessor, clerk, and sheriff to proceed forthwith to select such list, and sign and file the same. When the list is selected and signed as aforesaid it shall be filed by the officers signing the same in the office of the clerk of said court. The persons whose names are set forth in said list shall be liable to serve as jurors in said court for one year or until a new list is selected. Every person who shall directly or indirectly ask to be placed upon said list shall thereby render himself ineligible to serve as a juror in said court for one year thereafter, and his name shall in no case be placed upon such list during that period: *Provided further*, That the court may order the making of a list of one hundred names, as provided herein, to serve as jurors in any cases that may be tried before the said first Tuesday of June, eighteen hundred and eighty-three.

Depositing of names in jury box.

SEC. 9. Upon receiving such list, prepared and filed as aforesaid, the clerk of said court shall write the names of the persons thus selected on separate strips of paper of the same size and appearance, as near as may be; shall fold up each of said strips of paper in the same manner, so as to conceal the name thereon, and deposit the same in a box, to be called and labeled "Detroit city street opening jury box."

No jury to be drawn unless ordered by the court.

SEC. 10. No jury shall be drawn for any term without an order previously made by the court, and such order shall specify the number of jurors, not less than twenty-four nor more than fifty, to be drawn and the time at which they shall be summoned to attend.

Drawing a jury.

It shall thereupon be the duty of the clerk to draw the number of names ordered by the court from the street opening jury box, and at least two days before such drawing the said clerk shall give notice to the judge of said court, and to the sheriff, of the day and hour when such drawing shall take place. At the time so appointed it shall be the duty of said judge and of the sheriff of Wayne county, or some deputy sheriff, to attend at the clerk's office and witness said drawing of jurors, and if neither said judge, sheriff, or deputy sheriff be present at the appointed time, the clerk may adjourn such drawing to some certain hour on the next day, and from day to day thereafter, of which adjournment he shall forthwith give notice to said judge and sheriff. If at the time first appointed for such drawing, or at the adjourned time therefor, either said judge, sheriff, or deputy sheriff shall be present, the clerk shall proceed to draw from said box publicly and in the pres-

Notice of.

ence of the officer or officers attending, as many strips of paper containing the names of jurors written thereon, as may have been ordered by the court, and one of the attending officers shall keep a minute of such drawing, in which he shall enter the name of every strip of paper drawn, before any other such strip be drawn. The *Venire*. said minute of the drawing shall then be signed by the clerk of said court and the attending officers, and filed by the clerk in his office, and he shall immediately make out a *venire facias* and deliver the same to the sheriff of Wayne county, which shall command him or any of his deputies to summon the persons named therein to be and appear in said court at the terms thereof for which they were drawn, to serve as street opening jurors, and not depart the same until discharged, under such penalty as the court may impose. Said *venire facias* shall be served at least three days ^{Service and return of venire.} before the term of the court therein specified, by giving personal notice to each person therein named, or by leaving a written notice at his place of residence with some person of proper age, and return thereof shall be made to said court at its opening, specifying those who were summoned, and the manner in which each person was notified. All talesmen who may be directed by the said judge to ^{Talesmen.} be summoned for the term shall be drawn from the jury box in the same manner as the original panel. In empaneling a jury the ^{Practice governing empaneling of juries.} practice and proceedings, relative to empaneling, exempting and excusing jurors and talesmen, and imposing penalties upon them for non-attendance, shall be the same as in the recorder's court of said city relative to petit jurors. Whenever there shall not be qualified jurors enough present to form a panel in any case the panel may be filled up in the same manner as a panel of petit jurors is filled up in a like case in said court, and the court may order talesmen to be summoned from the by-standers or neighboring citizens. If any juror after being sworn shall die, or for any other ^{In case of death or disqualification of juror.} cause become unable to discharge his duties, the court may appoint another qualified person to serve in his place, who shall be sworn and take his place upon the jury.

SEC. 11. Every jury empaneled in any cause shall be sworn as follows: You do solemnly swear (or affirm) that in the matter of

^{Oath to be administered to jury.} that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement, and for taking for the use and benefit of the public the private property which the petition describes and prays may be taken, and if you determine that it is necessary, then that you ascertain, determine, and award the just compensation to be made therefor, and assess upon the property in the assessment district described in the petition one-half of all the damages so awarded, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court a true verdict give, according to law and the evidence, so help you God. They shall hear the proof and allegations of the parties, and the arguments of counsel, and, if so ordered by the court, shall go to the place of the intended improvement in charge of an officer, and upon, or as near as practicable to any property

^{Jury to hear proofs, arguments, etc., and to be instructed by the court.}

Verdict of.

proposed to be taken or assessed, and examine the premises. They shall be instructed as to their duties and the law of the case by the court, and shall retire under the charge of an officer, and render their verdict in the same manner as on the trial of any ordinary civil case.

What jury to consider and determine in their verdict.

SEC. 12. The jury shall determine in their verdict the public necessity for the proposed improvement, and for taking such private property for the use or benefit of the public for such proposed improvement, and in case they find that such necessity exists they shall award to the owners of said property such compensation therefor as they shall deem just, and in determining the amount of said damages, where only a part of a lot or lots of land is taken, the jury shall take into consideration the amount of benefits, if any, which the portion not taken will receive from the intended improvement, but it shall not be necessary for them to state in their report the damages separately, but only the net amount of damages, and shall assess and apportion in the case of alleys, the whole amount of the compensation, and in the case of street openings one-half of the compensation to be paid for the private property taken upon such lots, and parcels and subdivisions of real estate within the assessment district fixed by the common council as will be, in the opinion of said jury, benefited by the improvement, in proportion, as nearly as may be, to the benefits they will receive: *Provided*, That if any lot or parcel of land in the assessment district is not, in the opinion of said jury, actually benefited, it shall not be assessed. If any such private property taken shall be subject to a valid mortgage, lease, or agreement, and the taking thereof for such purpose will impair such security, lease, or agreement, the jury shall apportion and award to the owner of said mortgage, lessee, or person interested in said agreement such portion of the compensation as they shall deem just, and if there are any buildings, or other personal property situated on the land taken, the jury may, at the request of the owner, allow, instead of damages for the value, damages and expenses for the removal thereof. The damages for taking any land belonging to the estate of any deceased person shall be awarded to said estate, and shall be paid to the executor or administrator of said estate, or if there is no such executor or administrator, or he cannot be found, it shall be deposited in the city treasury to the credit of said estate, and be paid to the person entitled to receive the same.

Jury may take, when they retire, petition, maps, blanks, etc.

SEC. 13. To assist the jury in arriving at the verdict, the court may allow the jury when they retire, to take with them the petition filed in the case, and maps showing the proposed improvement, and the assessment district, and the location of each and all the parcels of property to be taken or assessed, with the names of all parties interested in such property, and may also submit to them a blank verdict which may be as follows:

PART I.**Form of blank for verdict.**

We, the undersigned jury, impaneled in the above matter, and having given the same due consideration, do hereby find and deter-

mine that it is necessary to said as proposed for the public use and benefit as a public and that for said use and benefit and purpose it is necessary to take the private property described in the petition in this cause, which said property is hereinafter also described.

PART II.

And the damages sustained and the just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners and others interested in each parcel.	Compensation and damages.
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PART III.

And the benefits to be received from such improvement by the property within the assessment district we hereby determine to be as follows:

Description of each of the several parcels of property to be assessed.	Owners of each parcel.	Benefits.
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-----	-----	-----
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The different descriptions of property and the names of the owners and others interested therein may be inserted in said blank verdict, under the direction of the court, before it is submitted to the jury.

SEC. 14. The verdict of the jury may be set aside by the court and a new trial ordered for objections of law and to matters of substance, but not for objections as to matters of form, in the same manner and on the same grounds as in ordinary civil actions in

When verdict
may be set aside,
and new trial
ordered.

- Amendments of petition, etc.** the circuit courts of this State; and amendments, either in form or substance, of the petition, process, and proceedings, may be allowed when they will not interfere with the substantial rights of the parties. And if by such amendment new parties to the proceedings are added, a new summons may be issued to bring in such additional parties, and when any such further summons is issued the proceedings shall be adjourned by the court a sufficient length of time, not less than six days, to enable such summons to be served, which summons shall be made returnable on the day to which the case is adjourned, but shall be served at least three days previous thereto. The court may refer back to the same jury the verdict for the purpose of correcting all errors therein contained. Rules of practice of the recorder's court shall be followed as near as may be in all proceedings under this act.
- Verdict may be referred back to jury.**
- Rules of practice.**
- Motions for new trial, etc.**
- Order confirming verdict.**
- Assessment a lien.**
- Appeal.** SEC. 15. Motions for a new trial or to arrest the proceedings shall be made within two days after the rendition of the verdict, unless further time is allowed by the court, and if no such motion is made, or being made is overruled, the court shall enter an order confirming the verdict of the jury, and such judgment or confirmation, unless reversed by the supreme court, shall be final and conclusive as to all persons interested therein. The compensation assessed by the jury upon any lot or parcel of land shall be a lien thereon from the time of such confirmation until paid and satisfied.
- Proceedings on appeal.** SEC. 16. Any person whose property may be taken or assessed considering himself aggrieved may appeal from the judgment of the court confirming the verdict of the jury, by filing in writing with the clerk of said court a notice of such appeal within five days after the confirmation, and serving within the same time a copy thereof on the city attorney, and filing a bond in said court, to be approved by the judge thereof, conditioned for the prosecution of said appeal and the payment of the sum assessed against the appellant, and all costs that may be awarded against him in case the judgment and confirmation of the court shall be affirmed. The appeal herein provided shall be the only remedy for reviewing proceedings under this act, and no injunction or *certiorari* shall be allowed or issued in these cases except that writs of *certiorari* may issue out of the supreme court upon jurisdictional grounds only, when allowed by one of the justices of the said court.
- Idem.** SEC. 17. In case of appeals as above it shall be the duty of the clerk of the court without delay to transmit to the supreme court a certified copy of all the files, records, and proceedings in the case. And it shall be the duty of the judge of the court, at the request of the appellant, to settle and sign a case showing the testimony taken on the trial, the objections, rulings, and exceptions concerning the same, and the instructions of the court to the jury, with the exceptions thereto, and the same shall be returned by the clerk as a part of the record in the case.
- SEC. 18. The said appeal may be brought on for hearing at any term of the supreme court, and said court shall have power to determine the case upon the facts and the law as in chancery appeals

and to enter such final judgment or decree as may of right appear, and may remand the case to the court below for such further proceedings before a jury or otherwise as may be necessary. The said court shall allow the prevailing party his reasonable costs, and expenses to be taxed, and all costs and expenses awarded to the city may be applied on or deducted from the compensation if any to be paid to the appellant.

SEC. 19. When the verdict of the jury shall have been finally confirmed by the court, and the time in which to take an appeal has expired, or if an appeal is taken, on the filing in the court below of a certified copy of the order of the supreme court affirming the judgment of confirmation, it shall be the duty of the clerk of the court below to transmit to the common council a certified copy of the verdict of the jury, and of the judgment of confirmation, and of the order if any allowing and taxing the costs and expenses, and thereupon the common council shall by resolution direct the treasurer of said city to collect the benefits and the costs and expenses assessed by the court and jury, and a certified copy of such resolution shall be annexed to the record transmitted by the clerk of the court, and the same shall then be delivered to said treasurer. If such assessments are not paid or tendered to the treasurer within thirty days after the passage of such resolution, he shall proceed to sell the property assessed in the same manner as is provided by law for the sale of real estate upon execution, and with the same force and effect.

SEC. 20. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation shall on appeal be affirmed, the common council shall cause the city treasurer to pay, or tender to the respective persons entitled to receive the same, the damages and compensation awarded for taking such private property, according to the verdict of the jury as finally confirmed; and in case any person shall refuse the same, be unknown, or a non-resident of said city, or cannot, with reasonable diligence, be found in said city, or for any reason be incapacitated from receiving his amount, or the right thereto be disputed, or doubtful, the common council may deposit the amount awarded in such case in the city treasury, and shall, on demand, pay the same over to any person entitled and competent to receive it, taking receipt therefor. Upon such payment, tender, or deposit, the common council may enter upon, take possession of, and convert such private property to the uses and purposes for which it was taken, and may remove all buildings, fences, and other obstructions therefrom. The treasurer shall make a certificate, verified by his oath, showing his action in making such payment, tender, or deposit, and shall file the same with the clerk of the recorder's court, and it shall be prima facie evidence of the facts therein stated.

SEC. 21. All buildings, fences, and other personal property taken by such proceedings in street opening cases, except that removed by the owner, as otherwise provided, shall become the property of the city, and shall be sold at auction by the city treasurer. Due publication of such sales shall be made in at least two daily newsg-

*When verdict confirmed, etc.
clerk to transmit copy of verdict, etc., to common council.*

Common council to direct treasurer to collect, etc.

Sale of property when assessments are not paid.

Common council to direct treasurer to pay damages, etc., awarded.

Amount may be deposited in certain cases.

When city may take possession, etc.

Oath of treasurer, of payment, tender, etc.

Buildings, fences, etc., on property, to become property of city, sale of. Notice of sale.

Proceeds of sales.

papers in said city, for at least five days, and printed notices posted on or near such property at least ten days prior to the day of sale. The proceeds of all such sales shall be paid into and become a part of the street opening fund.

Fees of officers, jurors, witnesses, etc.

SEC. 22. Officers, jurors, and witnesses in any proceedings under this act shall be entitled to receive from the city the same fees and compensation as are provided by law for similar services in an ordinary action at law in the circuit courts of the State.

Discontinuance, appeal, etc., by city.

SEC. 23. The common council shall not have power to discontinue proceedings under this act after the rendition of the verdict of the jury, but they may direct the city attorney to move for a new trial, or to arrest the proceedings, or to take an appeal to the supreme court, and in any such case the same proceedings shall be had as are hereinbefore prescribed in the case of like proceedings on the part of any respondent.

Common council shall cause property to be surveyed, staked out, maps and plans therefor to be made, etc.

SEC. 24. Before the trial in any proceeding under this act the common council shall cause the property to be taken to be surveyed and staked out, or otherwise marked upon the premises, and shall cause a map or plan thereof, and of the assessment district, certified to be correct by the city engineer, or person making the same, to be prepared, to be attached to and made a part of the petition herein provided for, the same to be subject to alteration and correction under the direction of the court. The common council in all cases where there shall be a special assessment shall have authority to advance the sums awarded to the owners or occupants of, or others interested in the property to be taken, and there shall in all cases, be deducted from such sums, any assessment for benefits made against the property of said owners and others interested respectively. At any sale under this act of the property assessed, the city attorney, or in his absence the city treasurer, shall have authority to bid in for the corporation any parcel of land for which there shall be no bid from other parties sufficient to cover the amount due from such parcel, including its ratable proportion of the costs and expenses of making such sale, and on any such bid the corporation shall be entitled to all the rights of any other purchaser.

Common council may advance amount awarded, etc.

When bid at sales is insufficient to cover amount due.

SEC. 24. Before the trial in any proceeding under this act the common council shall cause the property to be taken to be surveyed and staked out, or otherwise marked upon the premises, and shall cause a map or plan thereof, and of the assessment district, certified to be correct by the city engineer, or person making the same, to be prepared, to be attached to and made a part of the petition herein provided for, the same to be subject to alteration and correction under the direction of the court. The common council in all cases where there shall be a special assessment shall have authority to advance the sums awarded to the owners or occupants of, or others interested in the property to be taken, and there shall in all cases, be deducted from such sums, any assessment for benefits made against the property of said owners and others interested respectively. At any sale under this act of the property assessed, the city attorney, or in his absence the city treasurer, shall have authority to bid in for the corporation any parcel of land for which there shall be no bid from other parties sufficient to cover the amount due from such parcel, including its ratable proportion of the costs and expenses of making such sale, and on any such bid the corporation shall be entitled to all the rights of any other purchaser.

Proceedings begun, how completed, etc.

SEC. 25. All proceedings begun and undetermined in said city under any act authorizing such proceedings, may be completed in all respects in accordance with the provisions of this act.

Ordered to take immediate effect.

Approved April 26, 1883.

[No. 282.]

AN ACT to repeal section eight of chapter six of an act entitled "An act to incorporate the city of Corunna," approved March twelve, eighteen hundred and sixty-nine; also to add new sections thereto to stand as sections twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, and thirty of chapter five of said act; also to amend section two

of chapter three, and sections four and ten of chapter five, and sections seven and eighteen of chapter six, and sections one, two, four, five, seven and fifteen of chapter eight of said act; also to amend section sixteen of chapter five of said act as amended by act number one hundred and ninety-nine of the session laws of eighteen hundred and seventy-one, approved February twenty-one, eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact,* That section eight of chapter six of an act entitled "An act to incorporate the city of Corunna" approved March twelfth, eighteen hundred and sixty-nine, be and the same is hereby repealed; that new sections to stand as sections twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, and thirty of chapter five be added to said act; that section two of chapter three, and sections four and ten of chapter five, and sections seven and eighteen of chapter six, and sections one, two, four, five, seven, and fifteen of chapter eight of said act be and the same are hereby severally amended so as to read respectively as follows; also that section sixteen of chapter five of said act as amended by act number one hundred and ninety-nine of the session laws of eighteen hundred and seventy-one, approved February twenty-first, eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

CHAPTER III.

SEC. 2. The following officers shall be appointed by the common council on or before the first Monday in May of each year, viz.: One marshal, one director of the poor, who shall possess all the powers of a director or overseer of the poor of townships under the laws of this State, also one street commissioner, one pound master, one city attorney, and one or more fire wardens for the city.

Appointive off-
icers, their
powers and
duties.

CHAPTER V.

SEC. 4. The common council shall have power to assess, levy, and collect taxes for the purposes of the corporation upon all property made taxable by law for State purposes, which taxes shall be liens upon the property taxed until paid; to appropriate money, provide for the payment of the debt and expenses of the city, and make regulations concerning the same; to provide means for carrying into effect the powers herein conferred; to make regulations for assessing, levying, and collecting said taxes, and to sell the property taxed to pay the taxes thereon; to employ all persons confined for the non-payment of any fine, penalty, forfeiture, or costs, or for any offense under this act, or any ordinance of the common council, in any jail, work-house, or prison in said county, at work or labor either within or without the same, or upon any street or public work under the control of the common council, to allow any person thus confined for the non-payment of any fine,

Powers of coun-
cil, in reference
to taxes.

Payment of
debts, etc.

Assessment,
levying, and
collection of
taxes.

Employment of
persons confined
in jail, etc.

Good govern-
ment, etc.

penalty, forfeiture, or costs to pay and discharge the same by such work and labor, and to fix the value and price of such work and labor. The said common council shall have power to make and enforce all such other by-laws, ordinances, or regulations as they may deem necessary for the good government of said city.

Sidewalks.

SEC. 10. The common council may provide for the immediate repair of crosswalks and sidewalks and for collecting the cost or expense thereof in such manner as they may deem proper, subject to the restrictions herein contained; and they may determine the time and manner of assessing and collecting any and all taxes, except as herein otherwise provided; and they may enact such general by-laws or ordinances in relation to the assessing and collecting of all such taxes aforesaid not inconsistent with the general laws of this State as they may deem just and proper; and all by-laws or ordinances, rules and regulations adopted by the common council by or in pursuance of any of the powers conferred upon them in this act, shall be binding upon all courts and in all places whatsoever.

Borrowing of
money, and issu-
ing bonds, to
build, etc.,
bridges, etc.

SEC. 16. To enable the common council to build or repair bridges, and fully and effectually carry out and perform any and all powers conferred upon them by this act, they may borrow money at a rate of interest not exceeding seven per cent per annum, and issue the bonds of the city therefor, signed by the mayor and clerk; but no money shall be borrowed for a longer period than ten years, nor shall the sum of any and all indebtedness for money thus borrowed by the common council ever exceed the sum of one thousand dollars; and if the common council shall deem it necessary to borrow more money than is above provided for, the question of making such loan shall be submitted to the qualified electors of said city, at some annual or special election called for that purpose, in the same manner as other special elections are called under this act, but before any loan of money shall be authorized by a vote of the electors of said city, written or printed notices shall be posted by the clerk in at least two public places in each ward for at least five days immediately preceding such election, specifying the object or objects for which money is proposed to be borrowed. The common council may provide by ordinance the manner of voting upon any question of borrowing money, but the votes shall be canvassed and the result certified and determined in the same manner as the result of other votes are canvassed and determined by the provisions of this act:

Question to be
submitted to
electors in cer-
tain cases.

Notice of elec-
tion for.

Manner of
voting.

Provided.

Construction of
barns, sinks,
etc., and cleanse-
ing, etc., same.

Provided, That the total indebtedness of the city for borrowed money shall never exceed twenty thousand dollars at any one time.

SEC. 23. The common council shall have power to direct and regulate the construction of barns, private drains, sinks, hog pens, stables, and privies, to compel the owner or occupant to fill up, drain, cleanse, purify, alter, relay, remove, or repair the same, or to cause the same to be done by some officer of the corporation, and assess the expenses thereof on the lot or premises having such barn, private drain, sink, hog pen, stable, or privy thereon, which assessment shall be a lien on such lot or premises and be collected in the same manner as other assessments imposed by authority of

the common council; to direct and regulate the construction and repair of lateral sewers or drains for the purpose of more effectually draining all lots or cellars, yards, and sinks, or other places within the limits of said city whenever in their opinion the same shall be necessary: *Provided*, That if any such lateral sewer or drain shall be laid or constructed through any of the streets or alleys adjoining or in front of the premises through which such sewers or drains shall be ordered constructed, the expense thereof shall be assessed on such lots or premises benefited thereby, which assessment shall be a lien on such lots or premises until paid, and be collected in the same manner as other assessments imposed by authority of the common council.

SEC. 24. The common council shall have power to appropriate moneys by resolution for the improvement of the city, such resolution to be passed by not less than a two-thirds vote of all the aldermen elect.

SEC. 25. The common council shall have power to appropriate by resolution moneys, labor, or material for the improvement of any highway leading into said city, and to supervise and control the laying out of any such expenditure, such resolution to be passed by a two-thirds vote of all the aldermen elect.

SEC. 26. The common council shall have power to require and regulate the setting and securing of shade trees in the streets and public places in said city, and to provide for the protection and care of such trees, and to compel the owners and occupiers of lands along or in front of which such trees may be ordered or required to be planted or set to properly plant or set the same within such time and in such manner as the common council may by ordinance or resolution designate or direct, and in case such owners or occupiers shall neglect or refuse to so plant or set such trees and to properly guard, protect, and care for the same within such time and in such manner as the common council may provide, designate, or require, then the common council may by resolution or otherwise order or instruct the street commissioner or any other proper person or persons that said common council may designate or select, to so plant, set, guard, protect, and care for such shade trees, and the expense thereof shall become a charge against the owner or occupant of such land or parcel of land along or in front of which such trees shall be planted, set, or guarded, cared for or protected as aforesaid, and said common council may levy, assess, and collect or cause to be assessed and collected from the owner or occupant of any such lands or parcels of land such expenses as aforesaid, and the said common council may provide for and enforce the collection of all such charges, assessments, and taxes, and of every other charge, assessment, or tax for special purposes by a sale of any personal property found upon any lands so charged, assessed, or taxed as aforesaid, and for want of any or of sufficient personal property whereon to levy and sell to collect such tax, then the officer whose duty it shall be to collect such charge, assessment, or tax shall proceed to levy, sell, and collect the same, or the balance that may remain uncollected, together with all costs and

*Construction of
sewers, etc.*

Proviso.

*Appropriation of
money for
improvements.*

*Improvement of
highways lead-
ing to city.*

*Planting and
protection of
shade trees.*

*When owners
of property
neglect or refuse
to plant shade
trees.*

charges for advertising and collecting the same, by a sale of such real estate so charged, assessed, or taxed in the same manner as near as may be as is provided herein for the collection of general or special taxes in said city.

Powers of common council to purchase, sell, etc., real estate.

SEC. 27. The common council shall have power, by a concurrent vote of two-thirds of all the members elect, to purchase, let, lease, and sell real estate for the use of said city for city purposes, and to execute in the manner provided in this act, mortgages on the same for any balance which may remain unpaid on the purchase money for such real estate; they shall also have power to purchase, sell, control, improve, and care for lands for cemetery purposes either within or without the corporate limits of said city, and to purchase, lease, hire, or rent one or more gravel banks within or without said city, for the use of said city.

Cemeteries.

SEC. 28. The common council shall have power to remove any appointed officer of said city, at pleasure, by a two-thirds vote of all the aldermen elect.

Removal of appointive officers.

SEC. 29. The common council shall have power to regulate the construction of chimneys, hearths, fire-places, fire-arches, ovens, and the putting up of stoves, stove pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to guard against, prohibit, and prevent the burning out of chimney [chimneys] and chimney flues; to compel and regulate the cleaning thereof, and fix the fees therefor; to compel and regulate the construction of ash houses, or deposits for ashes; to compel the owners of houses, stores, and other buildings to have scuttles upon the roofs thereof, and stairs or ladders to the same; to appoint one or more officers to enter into all buildings and enclosures, to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition; to compel all officers of the city, and other persons to aid in the extinguishment of fires, and in the preservation of property exposed to danger therefrom.

**Ash houses.
Scuttles.**

SEC. 30. The common council may, at any time, either by resolution, or otherwise, upon petition thereunto of ten or more resident property holders along or in front of whose property it is desired that any portion of any street or streets may be sprinkled, order or procure so much and such portions of any street or streets to be sprinkled, for and during such time as the common council, by a two-thirds vote may designate. The expense of such sprinkling to be borne by the real estate and personal property situate thereon, adjacent to such portion of any street or streets so sprinkled in proportion as such property is assessed, as compared with the aggregate assessed valuation for such year of all the taxable real and personal property so situated; such taxes to be assessed, levied, and collected, in all other respects, as near as may be, as are other taxes for city purposes, and with like force and effect. Such assessments may be made and collected as often as the common council, by resolution or otherwise, may designate, but not exceeding in frequency once in each month.

Street sprinkling.

CHAPTER VI.

SEC. 7. The supervisor of each ward, within and for his respective ward, shall have and exercise all the powers, duties, authority, and functions of supervisors of towns, as now provided, or as may hereafter be provided by law, and each of them shall be a member of the board of supervisors of the county of Shiawassee, and as such shall be entitled to the same compensation, and shall be paid in the same manner, and they shall perform, as supervisors, such other duties as by this act shall be required of them; they shall make the annual assessment of all property, real and personal, in their respective wards in said city, which is liable to assessment, and they shall, when so directed by the common council, make any assessment upon real estate, and other property in said city liable to taxation for special purposes, and in such cases the common council may correct, revise, and confirm such assessment. The supervisor and aldermen in each ward shall also properly prepare and return a list of persons in their respective wards to serve as petit jurors, and a list of persons to serve as grand jurors for the ensuing year, but in no case shall one of their own number be put upon such list.

SEC. 8. This section is hereby repealed.

Section repealed.

SEC. 18. The common council may, at any time, provide by ordinance, or otherwise, for the election or appointment of school inspectors. The street commissioner, and such other officers or persons as the common council may direct and appoint, shall, under the direction of the common council, superintend the making, grading, paving, repairing, and opening of all streets, lanes, alleys, sidewalks, crosswalks, or other public grounds within the limits of this city, in such manner as he or they may be from time to time directed; and such street commissioner shall be overseer of highways, and vested with all the powers of overseers of highways under the laws of this State, now or hereafter in force in this State, excepting [except] the collecting of the resident highway tax therein, and such street commissioner, except as to the collection of the resident highway taxes, shall perform all the duties of overseers of highways in townships; such street commissioner shall give a bond in such sum, and with such sureties, as the common council may prescribe and direct, conditioned for the faithful performance of his duties as such street commissioner, and for the accounting, proper disbursement, and paying over all moneys and property that may come into his hands as such officer, or by virtue of his office, and such street commissioner shall receive as compensation for his services, such sum as the common council may direct and allow; and such street commissioner shall be fence viewer of the city, and possess all the powers, and be subject to the same liabilities as fence viewers in townships.

School inspect-
ors.

Powers and
duties of street
commissioner.

Shall be over-
seer of high-
ways.

Powers and
duties as such. •

Compensation.

To be fence
viewer.

CHAPTER VIII.

SECTION 1. The supervisor in his respective ward, shall, in each and every year, make and complete the assessment of all the taxable real and personal property therein, in the same manner, and

Assessment of
property.

within the same time, as near as may be, as is required by law for the assessment of property in the several townships of this State, and in so doing shall in all respects, except as in this act otherwise provided, conform to the provisions of law governing the action of supervisors in the several townships of this State in the assessment of property, the levying of taxes, and in the performance and discharge of all other duties devolving upon supervisors of townships in this State, in like manner as required of such supervisors of townships, and not inconsistent with this act.

Review of assessment roll. SEC. 2. On the Tuesday next following the third Monday of May, and for so many days next thereafter as may be necessary in each and every year, not exceeding three days in all, it shall be the duty of the supervisors of the several wards, together with two freeholders of said city, to be appointed by the common council, to meet as a board of review at nine o'clock in the forenoon of said day or days at the common council room, or in case of the sickness or inability of either or any of said supervisors the place of such officer or officers so disqualified shall be filled by appointment by the common council, and the said supervisors or any of them, together with such person or persons so appointed as aforesaid, or a majority of them when assembled together as aforesaid shall constitute a board of review for the purpose of reviewing the assessment roll of each ward and of correcting any and all errors which said board or a majority of them may discover in said rolls or any of them, and of exercising all the powers and performing all the duties which boards of review in townships are required or may hereafter be required to exercise and perform in like time and with like effect.

Endorsement on assessment roll. SEC. 4. After said board shall complete the review of said roll, a majority of said board shall endorse thereon and sign a statement to the effect that the same is the assessment roll for such ward, whichever it may be for the year in which it has been prepared and approved by the board of review. Said statement may be in the following form, viz :

Form of.
the following form, viz.:
"Assessment roll of the _____ ward of the city of Corunna,
in Shiawassee county, Michigan, for the year 18____, as approved
by the board of review.

“Dated _____ **“Board of Review.”**

Assessment, levy, and col- lection of high- way tax.

SEC. 5. That the highway taxes in said city that shall hereafter be assessed, levied, and collected on the taxable property in said city shall be assessed, levied, and collected in all respects in the same manner and time as other general taxes in said city, and by the same officers and in the same rolls, and shall be received for in the same manner as such general taxes are received for by the treasurer of said city.

SEC. 7. For the collection of all such taxes, the city treasurer or

other person appointed to collect the same shall be entitled to the collection of taxes, and shall collect the taxes specified on the rolls put into his hands by the several supervisors of said city, within the same time and in the same manner, and for the like fees and compensation as the several township treasurers of this State are required to collect their tax rolls, and he shall make his returns thereon to the county treasurer within the same time and in the same manner as such township treasurers, and he shall possess all the powers and perform all the duties of township treasurers of this State as prescribed by law, which are not inconsistent with this act.

SPECIAL ASSESSMENTS.

SEC. 15. Whenever any special assessment to defray in whole or in part the expense of any local improvement or benefit shall in the opinion of the common council be invalid by reason of any irregularity in the proceedings in making such special assessments, said common council may vacate and set the same aside. And whenever any such special assessment shall be so vacated, and also whenever any such special assessment shall be held invalid by the judgment or decree of any court of competent jurisdiction, by reason of any such irregularity in the proceedings in making the same, the said common council may cause a new special assessment to be made for the same purpose for which the original special assessment so as aforesaid vacated or set aside was made. Such new assessment shall be made in the manner provided by law for making special assessments in force when such assessment shall be made. And whenever the tax or any part thereof assessed upon any lot or parcel of real estate or personal property by the original assessment so as aforesaid set aside or held invalid has been paid, in whole or in part, and has not been refunded, it shall be the duty of the common council in making such re-assessment to note such payment upon such new assessment roll, and such new assessment shall to the extent of such payment be held and deemed paid and satisfied. All such new assess [assessments] made as aforesaid shall be a lien upon the lots and parcels of real estate and likewise personal property embraced therein in the same manner and to the same extent as special assessments under the acts to which this is amendatory, and the same shall be collected in the same manner as such special assessments are by said acts and the ordinances then in force thereunder required to be collected. Whenever any special assessment roll shall be placed in the hands of the proper officers for collection, the city clerk shall immediately notify the treasurer of the amount of such roll and for what purpose the tax is assessed, and he shall charge the treasurer with the amount thereof, and shall take and file the treasurer's receipt for such roll, reporting the amount thereof to the common council.

This act is ordered to take immediate effect.

Approved April 27, 1883.

[No. 283.]

AN ACT to change the name of the First Congregational society of Ypsilanti, organized October fourth, eighteen hundred and thirty, to the First Presbyterian society of the city of Ypsilanti.

Name changed.

SECTION 1. *The People of the State of Michigan enact*, That the name of the First Congregational society of Ypsilanti is hereby changed to that of the First Presbyterian society of the city of Ypsilanti.

Officers to be continued.

SEC. 2. All officers of said First Congregational society shall be and continue to be the officers of said First Presbyterian society until their successors are chosen, and all property, rights, and franchises of said First Congregational society shall be and continue to be the property, rights, and franchises of said First Presbyterian society.

This act is ordered to take immediate effect.

Approved April 27, 1883.

[No. 284.]

AN ACT to amend section twenty-three of act number three hundred and fifty-nine of the session laws of eighteen hundred and seventy-three, approved April twelfth, eighteen hundred and seventy-three, entitled "An act to amend sections one, seven, eight, fifteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three of act number ninety of the session laws of eighteen hundred and fifty-three, entitled 'An act to amend the laws relative to supplying the city of Detroit with pure and wholesome water, and to provide for the completion and management of the Detroit water works,'" approved February fourteenth, eighteen hundred and fifty-three.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-three of act number three hundred and fifty-nine of the session laws of eighteen hundred and seventy-three, approved April twelfth, eighteen hundred and seventy-three, entitled "An act to amend sections one (1), seven (7), eight (8), fifteen (15), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), and twenty-three (23), of act number ninety (90) of the session laws of eighteen hundred and seventy-three (1873), entitled 'An act to amend the laws relative to supplying the city of Detroit with pure and wholesome water, and to provide for the completion and management of the Detroit water works,'" approved February fourteen (14), eighteen hundred and fifty-three (1853), be and the same is hereby amended so as to read as follows:

Power of commissioners.

SEC. 23. The commissioners shall have power to extend their distributing pipes, aqueducts, and mains, and erect hydrants without the limits of said city, and to regulate, protect, and control such portions of their works and the water supply therefrom in the

same manner that they may regulate, protect, and control their works and the water supply within the city: *Provided*, That before any water shall be supplied to any person or persons residing outside the limits of the city the entire cost of the distributing pipes necessary to supply such person or persons shall be paid to the said board, and all such distributing pipes through which any water shall be supplied by said water board shall be the property of said board and form part of its system of distributing pipes: *And Further proviso.* *provided further*, That the rates at which water shall be sold to persons residing outside the city limits shall be discretionary with said board of water commissioners, but such rates shall not exceed double the rates charged within the city limits. They shall also have all such other and further powers and rights not herein granted as are given to water boards by general laws of this State, and as are not inconsistent with the powers and rights herein granted. If the said board shall at any time not have funds on hand sufficient to meet and pay any of the bonds heretofore issued by said board at the time when they shall become due, they shall have the right to issue new bonds for such amounts and on such time as they shall deem expedient, in the place of the bonds so becoming due as aforesaid or such part thereof as said board shall be unable then to pay. But in no instance shall such new bonds when issued bear interest at a higher rate than the old bonds for which the same shall be issued. The said old bonds shall be taken up and canceled, and such cancellation recorded or otherwise indicated in the registry thereof, and the new bonds shall be recorded in the registry in which said old bonds were recorded as provided by the law under which said old bonds were issued.

When board may issue new bonds.

Old bonds taken up, and new bonds recorded.

This act is ordered to take immediate effect.

Approved April 27, 1883.

[No. 285.]

AN ACT to legalize the proceedings had in laying out certain ditches or drains in the township of LeRoy, in the county of Calhoun, and to legalize the tax thereon.

SECTION 1. *The People of the State of Michigan enact*, That all proceedings had in the laying out, altering, establishment, and construction of certain ditches in the township of LeRoy in the county of Calhoun, known as ditch numbers two, three, and four of said township, are hereby declared to be legalized, as though the township drain commissioner of said township of LeRoy aforesaid, had duly filed his bond as the law directs, and the taxes assessed upon the rolls of the said township of LeRoy, for the year eighteen hundred and eighty two, for the construction of said ditches, are hereby declared to be a legal and valid lien upon the property assessed, for the full amount of such taxes, as if said bond had been filed.

*Taxes for, a
lien, etc.*

This act is ordered to take immediate effect.

Approved May 2, 1883.

[No. 283.]

AN AUT to change the name of the First Congregational society of Ypsilanti, organized October fourth, eighteen hundred and thirty, to the First Presbyterian society of the city of Ypsilanti.

Name changed. **SECTION 1.** *The People of the State of Michigan enact,* That the name of the First Congregational society of Ypsilanti is hereby changed to that of the First Presbyterian society of the city of Ypsilanti.

Officers to be continued. **SEC. 2.** All officers of said First Congregational society shall be and continue to be the officers of said First Presbyterian society until their successors are chosen, and all property, rights, and franchises of said First Congregational society shall be and continue to be the property, rights, and franchises of said First Presbyterian society.

This act is ordered to take immediate effect.

Approved April 27, 1883.

[No. 284.]

AN ACT to amend section twenty-three of act number three hundred and fifty-nine of the session laws of eighteen hundred and seventy-three, approved April twelfth, eighteen hundred and seventy-three, entitled "An act to amend sections one, seven, eight, fifteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three of act number ninety of the session laws of eighteen hundred and fifty-three, entitled 'An act to amend the laws relative to supplying the city of Detroit with pure and wholesome water, and to provide for the completion and management of the Detroit water works,'" approved February fourteenth, eighteen hundred and fifty-three.

Section amended. **SECTION 1.** *The People of the State of Michigan enact,* That section twenty-three of act number three hundred and fifty-nine of the session laws of eighteen hundred and seventy-three, approved April twelfth, eighteen hundred and seventy-three, entitled "An act to amend sections one (1), seven (7), eight (8), fifteen (15), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), and twenty-three (23), of act number ninety (90) of the session laws of eighteen hundred and seventy-three (1873), entitled 'An act to amend the laws relative to supplying the city of Detroit with pure and wholesome water, and to provide for the completion and management of the Detroit water works,'" approved February fourteen (14), eighteen hundred and fifty-three (1853), be and the same is hereby amended so as to read as follows:

Power of commissioners. **SEC. 23.** The commissioners shall have power to extend their distributing pipes, aqueducts, and mains, and erect hydrants without the limits of said city, and to regulate, protect, and control such portions of their works and the water supply therefrom in the

same manner that they may regulate, protect, and control their works and the water supply within the city: *Provided*, That before any water shall be supplied to any person or persons residing outside the limits of the city the entire cost of the distributing pipes necessary to supply such person or persons shall be paid to the said board, and all such distributing pipes through which any water shall be supplied by said water board shall be the property of said board and form part of its system of distributing pipes: *And Further proviso.* *provided further*, That the rates at which water shall be sold to persons residing outside the city limits shall be discretionary with said board of water commissioners, but such rates shall not exceed double the rates charged within the city limits. They shall also have all such other and further powers and rights not herein granted as are given to water boards by general laws of this State, and as are not inconsistent with the powers and rights herein granted. If the said board shall at any time not have funds on hand sufficient to meet and pay any of the bonds heretofore issued by said board at the time when they shall become due, they shall have the right to issue new bonds for such amounts and on such time as they shall deem expedient, in the place of the bonds so becoming due as aforesaid or such part thereof as said board shall be unable then to pay. But in no instance shall such new bonds when issued bear interest at a higher rate than the old bonds for which the same shall be issued. The said old bonds shall be taken up and canceled, and such cancellation recorded or otherwise indicated in the registry thereof, and the new bonds shall be recorded in the registry in which said old bonds were recorded as provided by the law under which said old bonds were issued.

*Proviso relative
to supplying
persons outside
city limits with
water.*

*When board may
issue new bonds.*

*Old bonds taken
up, and new
bonds recorded.*

This act is ordered to take immediate effect.

Approved April 27, 1883.

[No. 285.]

AN ACT to legalize the proceedings had in laying out certain ditches or drains in the township of LeRoy, in the county of Calhoun, and to legalize the tax thereon.

SECTION 1. *The People of the State of Michigan enact*, That all *Proceedings
legalized.* the proceedings had in the laying out, altering, establishment, and construction of certain ditches in the township of LeRoy in the county of Calhoun, known as ditch numbers two, three, and four of said township, are hereby declared to be legalized, as though the township drain commissioner of said township of LeRoy aforesaid, had duly filed his bond as the law directs, and the taxes assessed *Taxes for, a
lien, etc.* upon the rolls of the said township of LeRoy, for the year eighteen hundred and eighty two, for the construction of said ditches, are hereby declared to be a legal and valid lien upon the property assessed, for the full amount of such taxes, as if said bond had been filed.

This act is ordered to take immediate effect.

Approved May 2, 1883.

[No. 286.]

AN ACT to prevent the destruction of fish in Eagle and Pleasant lakes, in the township of Ontwa, and the lake known as Barron lake, in the township of Howard, in Cass county.

Fishing, except
with hook and
line, prohib-
ited.

SECTION 1. *The People of the State of Michigan enact,* That it shall not be lawful hereafter to take or catch any fish in the lake, known as Eagle, and Pleasant lakes, in the township of Ontwa, and the lake known as Barron lake, in the township of Howard, in Cass county, for the term of five years from the passage of this act, with the spear, net, or grab-hook, or any kind of fire-arms, or any other device, except the hook and line.

Penalty for.

SEC. 2. Any person offending against the provisions of this act, shall, on the conviction thereof, be liable to a fine of not more than ten dollars, or imprisonment in the county jail, or both such fine and imprisonment, at the discretion of the court.

Approved May 3, 1883.

[No. 287.]

AN ACT to amend sections five, eight, ten, fourteen, fifteen, seventeen, twenty-six, twenty-nine, thirty-two, thirty-three, thirty-five, thirty-six, thirty-seven, thirty-eight, forty, forty-one, forty-two, forty-three, forty-five, forty-six, forty-eight, forty-nine, fifty, fifty-three, fifty-four, fifty-six, fifty-seven, sixty-two, sixty-four, sixty-eight, sixty-nine, seventy, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety-four, ninety-six, one hundred, one hundred and two, one hundred and three, one hundred and six, one hundred and thirteen, one hundred and thirty-four, and one hundred and thirty-five of an act entitled "An act to revise an act to incorporate the city of Bay City," approved March twenty-one, eighteen hundred and sixty-five, as amended and revised by the several acts amendatory and revisionary thereto, to add a new section thereto, to stand as section one hundred and forty eight of said act, and to repeal section one hundred and one of said act.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections five, eight, ten, fourteen, fifteen, seventeen, twenty-six, twenty-nine, thirty-two, thirty-three, thirty-five, thirty-six, thirty-seven, thirty-eight, forty, forty-one, forty-two, forty-three, forty-five, forty-six, forty-eight, forty-nine, fifty, fifty-three, fifty-four, fifty-six, fifty-seven, sixty-two, sixty-four, sixty-eight, sixty-nine, seventy, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-nine, ninety-four, ninety-six, one hundred, one hundred and two, one hundred and three, one hundred and six, one hundred and thirteen, one hundred and thirty-four, and one hundred and thirty-five of an act entitled "An act to revise an act to incorporate the city of Bay City," approved March twenty-one, eighteen hundred and sixty-five, as amended and revised by the several acts amendatory and

revisionary thereof, be and the same are hereby amended so as to read as follows:

SEC. 5. At the first annual election after the passage of this act, ^{Election of} aldermen, and at each annual election thereafter, there shall be elected one alderman in each ward of said city, by the electors thereof, voting in their several wards, who shall hold his office for two years. There shall also be elected, annually, in each ward, by the electors ^{of supervisors and constables.} thereof, one supervisor and one constable, each of whom shall hold his office for one year. Each of said supervisors shall be the supervisor of the ward for which he was elected, with all the powers of supervisors of townships in this State, and subject, in all respects, to the provisions of law regulating the duties of township supervisors, except as herein otherwise provided. At the first annual ^{of mayor, recorder and treasurer.} charter election, after the passage of this act, there shall be elected on a general city ticket, by the qualified electors of said city, one mayor, one recorder, and one treasurer, each of whom shall hold his office for two years; and at every second annual election thereafter, unless a vacancy should sooner occur, there shall be elected a mayor, a recorder, and treasurer, who shall each hold his office for two years. At said first annual election there shall also be elected ^{of comptroller and justice of the peace.} on said general city ticket, a comptroller, and a justice of the peace, each of whom shall hold his office for four years; and at every annual election thereafter, a justice of the peace shall be elected, who shall hold his office for four years, and at every fourth annual election thereafter, unless a vacancy sooner occur, there shall be elected a comptroller, who shall hold his office for four years. Justices of the peace of said city shall have the same jurisdiction and powers, perform the same duties, and be subject to the same liabilities as justices of the peace of townships of this State, except as herein otherwise provided. The terms of office of said justices shall commence when elected and qualified. Each of said officers ^{Jurisdiction of justices of the peace.} shall hold his office until his successor is elected and qualified: *Provided, however,* That all persons now holding elective office in ^{Term of office of justices, etc.} *Proviso.* said city shall continue to hold their several offices for the remainder of their unexpired terms, and that no election shall be held for recorder, unless a vacancy occur, until the annual election for the year eighteen hundred and eighty-two. The treasurer shall be ineligible for re-election for the next succeeding term. The mayor and aldermen shall receive as a compensation for their services, the sum of two dollars for each session of the council, when actually in attendance.

SEC. 8. The council shall have power to appoint an attorney, ^{Appointive} and a street commissioner, a director of the poor, a surveyor, and a ^{officers.} chief, and one or more assistant engineers for the fire department, and such other officers whose election is not specially provided for in this charter, as they may deem necessary to carry into effect the powers in this act granted: *Provided,* That in case of a tie by the ^{Proviso.} council, in such appointment, the mayor shall have a right to vote. Any person so appointed to any office, may be removed therefrom ^{Removal from office.} by the council, upon a two-thirds vote of the members elect. Any person holding office by election, except the mayor, recorder, and

Record of.

Charges to be preferred in writing, etc.

Oath of office.

Official bonds.

General powers of council in reference to property, finances, etc.

To preserve purity of waters.

Regulate navigation.

Harbor masters.

Ferries and bridges.

Public wharves and docks.

justice of the peace, may be removed therefrom by the council for corrupt or willful malfeasance, or misfeasance in office, or for willfully neglecting the duties of his office, or for any violation of any of the ordinances of the council, by a two-thirds vote of the aldermen elect. In such case the reasons for removal shall be entered in the records of the council, with the names and votes of the members voting on the question. No officer holding office by election shall be removed by the council, unless first furnished with a copy of the charges against him, in writing, and allowed to be heard in his defense, with the aid of counsel. The council shall have power to issue subpoenas, under the hand of the mayor or their chairman, to compel the attendance of witnesses and the production of papers and shall proceed within twenty days after the service of a copy of the charges to hear and determine the same. If such officer shall neglect to appear and answer such charges his default shall be deemed good cause for removal. Every person appointed by the council shall take and subscribe the constitutional oath of office and file the same with the recorder within ten days after such appointment. Every person so appointed shall execute an official bond or undertaking in the manner and within the time which may be prescribed by the council.

SEC. 10. The council, in addition to the powers specially conferred upon them by this act, shall have the management and control of the finances, rights and interests, buildings and property, real and personal, belonging to the city, and may make such orders, by-laws, and ordinances relating to the same as they shall deem proper and necessary. They shall also have power within the limits and jurisdiction of said corporation,

First, To provide for and preserve the purity and salubrity of the waters of the Saginaw river; to prohibit and prevent the deposit therein of all filthy and other matter tending to render said water impure, unwholesome, or offensive; to preserve and regulate the navigation of said river and other navigable waters within the limits of said city; to prohibit and prevent the depositing or keeping therein of any structure, earth, or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring, moving, shifting, and mooring of vessels and laying out of cargoes and ballast from the same, and to appoint so many harbor-masters as they may deem necessary, and to prescribe their powers, duties, and compensation;

Second, To license, continue, and regulate so many ferries and bridges, from within said city to the opposite shore of Saginaw river, for carrying and transporting persons and property across said river in such manner as shall be deemed most conducive to the public good;

Third, To erect, repair, and regulate public wharves and docks at the ends of streets, and on the property of the corporation; to regulate the erection and repair of private wharves and docks, so that they shall not extend into the Saginaw river beyond a certain line, to be established by the council, and to prohibit the

encumbering of all public wharves and docks with boxes, carriages, carts, sleighs, sleds, or other vehicles, dray, or anything whatsoever; to lease the wharves and wharfing privileges at the ends of streets, upon such terms and conditions and under such covenants and with such remedies, in case of non-performance, as the common council may direct; but no buildings shall be erected thereon; no lease thereof shall be executed for a longer period than two years, and a free passage at all times for all persons and their baggage shall be maintained;

Fourth, To provide for the draining of any swamp, marsh, wet or low lands in said city, or within the distance of three miles therefrom, by the opening of ditches; Draining low lands.

Fifth, To prohibit and prevent the location or construction of any wooden or frame house, store, shop, or other building, on such streets, alleys, and places, or within such limits in said city as the council may from time to time prescribe; to prohibit and prevent the removal or change of location of wood or frame buildings within said limits or the rebuilding or repairing of the same; to prevent the rebuilding or repairing of wooden buildings within said limits when damaged by fire or otherwise; to prohibit and prevent within such places, limits, or districts in said city as the common council may from time to time prescribe, the location of shops, the prosecution of any trade or business, the keeping of lumber yards, and the storing of lumber, slabs, staves, edgings, wood, or other easily inflammable materials when in the opinion of the council the danger from fire is thereby increased; to regulate the use of lights in buildings, and generally to pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires; To prohibit and regulate con-
struction of wooden build-
ings, etc.

Sixth, To appoint one or more inspectors, measurers, weighers, and gaugers of articles to be measured, inspected, weighed, and gauged; to prescribe and regulate their powers and duties, fees and compensation; Inspectors of weights and measures.

Seventh, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing in vessels, or in other mode, to said city, from any other port or place, any pauper or other person likely to become a charge upon said city, and to punish therefor; Paupers.

Eighth, To erect and provide for the erection of a city hall, and all needful buildings and offices for the use of the corporation or of its officers, and to control and regulate the same, and to purchase the necessary real estate on which to erect the same, and to prohibit and punish injuries to public buildings and property; City hall, etc.

Ninth, To prevent vice and immorality, to preserve public peace and good order, and to prevent and quell riots, disturbances, and disorderly assemblages and conduct; Vice, etc.

Tenth, To restrain and prevent disorderly and gaming houses, and houses of ill-fame, the holding, keeping, or using of all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables or bowling alleys; Gaming houses,
etc.

**Spirituos
liquors, etc.**

Eleventh, To prevent the vending or giving away of spirituous or fermented liquors and regulate the sale thereof, in compliance with the general laws of this State in relation thereto;

**Drunkards,
vagrants, etc.**

Twelfth, To apprehend, restrain, and punish all drunkards, vagrants, mendicants, street beggars, prostitutes, and persons soliciting alms or subscriptions for any purpose, and to punish and prevent all intoxication and disorderly conduct;

Shows, etc.

Thirteenth, To prohibit and prevent, or license and regulate the public exhibition by itinerant persons or companies of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind, and to revoke such license at pleasure;

Nuisances.

Fourteenth, To declare and define what constitutes a nuisance, and to prohibit, prevent, abate, and remove all nuisances within said city, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's shop or stall, soap factory, glue factory, tannery, slaughter-house, stable, privy, hog pen, sewer, or other offensive house or place to cleanse, remove, or abate the same as often as they may deem necessary for the health, comfort, and convenience of the inhabitants of the city;

**Slaughter-
houses, markets,
etc.**

Fifteenth, To direct, regulate, or prohibit the location and maintenance of all slaughter-houses, markets, and buildings for storing gunpowder and other combustible substances, and prohibit or regulate the buying, selling, keeping for sale, storing, and transporting gunpowder, naphtha, saltpeter, benzine, benzole, petroleum, kerosene oil, fire-crackers, fire-works, and all other combustible substances, and the using thereof, the using of lights in barns, stables, and other buildings, and the making of bonfires;

**Obstructing
streets, etc.**

Sixteenth, To prevent the encumbering or obstructions of streets, sidewalks, or crosswalks, lanes, alleys, bridges, wharves, or slips in any manner or with any materials or things of any kind or nature whatsoever, and to compel persons owning or occupying adjoining premises to keep the streets and sidewalks in front of such premises free from dirt and obstructions; to cause the removal of any such obstruction or incumbrance by some city officer, and cause the expense of such removal to be assessed on the abutting property, and the taxes to be levied and collected in the same manner as herein provided for the levy and collection of local taxes for special improvements, the expense of which is assessed on the property specially benefited according to the benefits derived. Any assessment so made and tax so levied shall be a lien on the lands so assessed after the assessment roll shall have been confirmed. To control, prescribe, and regulate the use and enjoyment of streets, alleys, squares, and other public places in the city;

**Immoderate
riding or driv-
ing.**

Seventeenth, To prevent immoderate riding or driving in any street, to compel persons to fasten or secure their horses or other animals while standing in any of the streets, lanes, or alleys of the city, and to prevent persons from riding or driving upon or across any sidewalk, and to compel all persons to keep sidewalks

in front of premises owned or occupied by them clear from snow, dirt, wood, or other obstructions;

Eighteenth, To prevent and regulate the running at large of dogs; to impose taxes for the keeping of dogs; to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance;

Nineteenth, To restrain and regulate the use of locomotives, engines, and cars upon the railroads within the city; and to determine, designate, or cause to be changed the routes and grades of any railroad now in or hereafter to be laid in any street in said city;

Twentieth, To prohibit and prevent any indecent exposure of the person, the show, sale, or exhibition of any indecent or obscene books, pictures, or pamphlets, and all indecent or obscene exhibitions or shows of any kind, and all indecent, immoral, profane, or disorderly conduct or language, and to prohibit or regulate the bathing in any public waters within or adjoining said city;

Twenty-first, To establish, regulate and maintain one or more pounds, and to restrain, and prevent or regulate the running at large of horses, cattle, swine, or other animals, geese, and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding;

Twenty-second, To prevent every species of gaming and to prevent the violation of the Sabbath and the disturbance of any religious congregation or any other public meeting assembled for any lawful purpose;

Twenty-third, To protect and regulate all cemeteries or grave-yards within the city, and all such without the limits of said city as such corporation may acquire, and to regulate the burial of the dead and the keeping of bills of mortality;

Twenty-fourth, To prohibit the bringing or depositing within the limits of said city any dead carcasses or otherwise [other] unwholesome or offensive substance, and to provide for the removal or destruction thereof wheresoever found;

Twenty-fifth, To lay out, establish, make, alter, and regulate market places and public parks or grounds, and regulate the measuring and selling of fire-wood, and the weighing and selling of hay, and the selling of meats, vegetables, fish, fruits, and provisions of all kinds;

Twenty-sixth, To regulate the setting of awning or other posts, and to direct and regulate the planting of shade or ornamental trees in the streets or other public grounds, and to provide for the preservation of the same;

Twenty-seventh, To provide for calling meetings of the electors of the city, and to determine and regulate the compensation of all officers elected or appointed under this act, except as is herein otherwise provided; but the compensation of no officer fixed by an annual or periodical salary shall be increased or diminished during the term for which he was elected or appointed, unless by a three-fourths vote of the council; to authorize and regulate the demand and receipt by officers of such fees and costs, and in such cases as

the council shall deem reasonable, and to prescribe, fix, determine, and regulate the powers and duties of all officers of the city, subject to the provisions of this act;

Boundaries. *Twenty-eighth,* To survey, ascertain, and establish the boundaries of the city, and all highways, streets, avenues, lanes, alleys, parks, squares, and spaces in said city; to prohibit and remove all encroachments or obstructions upon the same in any manner, and to number the buildings;

Hotels, taverns, saloons, etc. *Twenty-ninth,* To license and regulate the keeping of hotels, taverns and other public houses, groceries, and keeping of ordinary saloons, and victualing and other houses, or places for furnishing meals, food or drink, and to regulate and restrain the keepers of billiard tables and bowling alleys; also to license and regulate or prohibit auctioneers, hawkers, peddlers, and pawnbrokers, and to regulate auctions, hawking, and pawn-brokerage;

Butchers, stalls, and stands, etc. *Thirtieth,* To license and regulate butchers, and keepers of shops, stalls, and stands for the sale of meats, vegetables, and provisions of all kinds, and all draymen, common teamsters, hackmen, and all persons who carry or transport persons or property for hire; to designate stands for all carriages, carts, or drays used in carrying persons or property for hire, and prescribe their fare and compensation;

Weights and measures. *Thirty-first,* To regulate the weights and measures used in the city; to appoint one or more sealers of weights and measures, and prescribe the duties and powers thereof, and the penalty for using false weights and measures, not conforming to the standard as established by the laws of this State;

Assessment, etc. of taxes. *Thirty-second,* To assess, levy, and collect taxes for the purposes of the corporation upon all property made taxable by law for State purposes, which taxes shall be a lien upon the property taxed until paid; to appropriate money, provide for the payment of the debt and expenses of the city, and make regulations concerning the same;

Punishment for violations of ordinances, etc. *Thirty-third,* To punish all offenders for violations of or offenses against this act, or any by-law or ordinance of the council, adopted or passed under this or any other act of the legislature, by holding to bail for good behavior, by imposing fines and costs, and by imprisonment in the jail of Bay county, or any jail, prison, or workhouse of said city, or by either, in the discretion of the court or magistrate before whom such conviction may be had. If only a fine be imposed, with or without costs, the offender may be sentenced to imprisonment until the payment thereof, for a term not exceeding three months. All punishment for offenses against the ordinances of the council shall be prescribed in the ordinance creating or specifying the offense to be punished, and no fine shall exceed three hundred dollars, and no imprisonment shall exceed one year;

Employment of persons confined in jail, etc. *Thirty-fourth,* To employ all persons confined for the non-payment of any fine, penalty, forfeiture, or costs or for any offense under this act, or any ordinance of the council, in any jail, workhouse, or prison, at work or labor either within or without the same,

or upon any street or public work under the control of the council ; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture, or costs, to pay and discharge the same by such work and labor, and to fix and value the price of such work and labor. The said council shall have power to make all such other by-laws, ordinances, and regulations as they deem necessary for the safety and good government of the city, and to preserve the health and to protect the persons and property of the inhabitants thereof. They shall also have power to purchase, for the use of the city, so much land without the limits of the city as may be required for the purpose of a cemetery, the same to be located not exceeding four miles beyond the boundary of the city ;

Safety and good
government, etc.

Thirty-fifth, To provide for the appointment of such a number of fire wardens as they may deem necessary, and for the examination by them from time to time of the stoves, chimneys, and flues, furnaces, and heating apparatus, and devices in all dwellings, buildings, and structures in the city, and in all places where combustible or explosive substances are kept, and to cause all such as are unsafe with respect to fire to be put in a safe condition ;

Thirty-sixth, To provide for the lighting of streets and alleys and the protection and safety of public lamps and lights ;

Lighting of
streets, etc.

Thirty-seventh, To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies ; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same, or to cause the same to be done by some proper officer of the city, and to assess the expense thereof on the lot or premises specially benefited thereby in the manner herein provided for assessments for local improvements, and when the assessment rolls shall have been confirmed the taxes so levied shall be a lien on the lands so assessed, and shall be collected in the same manner as herein provided for collecting taxes for such local improvements.

Regulating con-
struction of
cellars, drains,
sinks, etc.

SEC. 14. The council shall have power and it shall be their duty to adopt measures for the preservation of the public health of said city ; to restrain or prohibit the exercise of any unwholesome or dangerous business or avocation in the limits of said city ; the council shall also have the power and it shall be their duty to appoint, on the nomination of the mayor, at the first meeting in April, eighteen hundred and eighty-three, or as soon thereafter as may be convenient, three persons, electors and practicing physicians, who, together with the mayor and recorder, shall constitute the board of health of Bay City. The three physicians first appointed shall hold their offices respectively for the terms of one, two, and three years from May one, eighteen hundred and eighty-three, and annually after eighteen hundred and eighty-three, at the first meeting in April, or as soon thereafter as convenient, a member of said board with the like qualifications shall be appointed, on the nomination of the mayor, who shall hold his office for the term of three years from May first. Vacancies in the said board shall be filled in the same manner that appointments are made as herein provided. The board of health thus constituted, for the purpose of organization and

Preservation of
public health.

Board of health.

Authority and
powers of.

Health officer.

management of its department, shall have all the authority ordinarily pertaining to such bodies, and also to appoint one of their number a secretary as an executive officer, who shall be known as the health officer of Bay City. The health officer shall be selected with special reference to his knowledge of chemistry, hygiene, and sanitary matters. Said health officer may be removed from office by the board of health, a majority of its members voting for such removal. The members of said board of health shall serve without compensation, but the health officer shall receive an annual salary to be fixed by the common council. Said board of health shall on or before the twentieth day of July in each year report to the comptroller, to be by him transmitted to the council, an estimate of the money necessary to defray the expenses of such board during the ensuing fiscal year. The council shall have the power to raise by taxation the amounts so estimated or such part thereof as may be approved, in the same manner as other general city taxes are levied and collected, and they shall have authority to make all such by-laws and regulations for the government of such board of health and for the preservation of the health of the inhabitants of said city as shall insure a prompt and efficient discharge of the duties imposed upon the board by this act.

Laying out, opening, widening, paving, repairing, etc., of streets, alleys, etc.

SEC. 15. The council shall have power to regulate the times and manner of working upon the streets, lanes, and alleys in said city; to provide for the grading, graveling, paving, planking, macadamizing, or otherwise improving the streets or alleys of said city, and to provide for the constructing, repairing of sidewalks in said city, and to establish the grades thereof; to lay out, open, make, grade, and repair streets, lanes, and alleys, and the same to alter and vacate, and to alter or vacate those already laid out: *Provided*, That before any street, lane, or alley shall be vacated or altered, the person or persons applying therefor shall give public notice, specifying the time and place at which such application will be made, by causing the same to be published in the official newspaper for three successive weeks, or by personally serving upon each owner residing in said city, or occupant of any lot or part of any lot contiguous to said street or alley proposed to be altered or vacated, a copy of such notice. Upon the hearing of such application, all parties in interest shall be entitled to be heard in person or by counsel, and no street or alley shall be vacated except upon sufficient cause shown, and with the concurrence of three-fourths of the aldermen elect: *And provided further*, That when any street or highway has been once graded, leveled, paved, or covered with broken or pounded stone, or other material, and the grade line thereof established, the said council shall not change or alter the grade line of said street or highway unless they shall have first been petitioned so to do by a majority of all the property owners on said street or highway. The council shall have the power to regulate the use of all public highways, streets, avenues, and alleys of the said city, subject to the rights of travel and passage therein. Whenever it becomes necessary, in laying out or opening any such highway, street, avenue, lane, or alley, to take private property for

Proviso in reference to vacating streets, etc.**Further proviso, in reference to grading, paving, etc.**

that purpose, the same shall be done in the manner hereinafter provided.

SEC. 17. The expense of paving, macadamizing, planking, or covering with broken or pounded stone, including the grading preparatory thereto, of any street or alley, the expense of constructing any main or lateral sewer, and the expense of constructing any sidewalk shall be assessed upon the lots and premises specially benefited thereby, according to the benefits derived therefrom; and the council may provide that lots and premises so assessed, for the paving of any street, shall be exempt from the payment of any highway tax, for a period of eight years, and property so assessed for the planking of any street shall be exempt from the payment of any highway tax for a period of four years.

Expense of improvements to be assessed according to benefits.

SEC. 26. The provisions of the general tax law of the State of Michigan, being entitled "An act to provide for the assessment of property, and the levy and collection of taxes thereon," approved March fourteen, eighteen hundred and eighty-two, being act number nine, of the session laws of eighteen hundred and eighty-two, and all other provisions of the general statutes of the State upon the subject of taxation, as they now exist, or may hereafter exist, shall apply to and govern in the assessment and collection of the general taxes in said city, and in the return and sale of property delinquent theretofore, except as herein otherwise provided, shall also apply and govern in respect to the powers, duties, and liabilities of officers, and the rights, duties, and liabilities of persons and property touching and concerning such taxes, and shall have the same force and effect in said city as in the several townships of this State, so far as the same may be applicable, except as herein otherwise provided.

General tax law governing the assessment and collection of taxes in city.

SEC. 29. The comptroller shall make and complete an annual assessment roll for Bay City, in the manner provided by general law. Two weeks before the time hereinafter fixed for the first meeting of the board of review, in each year, the comptroller shall cause a notice of the time and place of such meeting to be given by publishing the same for two successive weeks in the official newspaper, and by posting the same in each ward of said city.

Assessment roll.
Notice of meeting of board of review.

SEC. 32. On or before the twentieth day of July in each year, or as soon thereafter as the comptroller shall have completed the assessment roll for said year, the council shall, by resolution, direct the amount of money to be raised by tax in said city for the current year, for city, highway, and other purposes, not exceeding the amount the council is authorized by section twenty-five to raise for such purposes, and in like manner, before said twentieth day of July, the board of education of the union school district of said city, shall, by resolution, declare the amount of money necessary to be raised by tax for the current year, for school purposes, and the council may direct the same to be assessed on said city tax roll for the current year, and may cut down and diminish, but shall not add to or increase the same. The board of supervisors of Bay county shall have no power to direct the amount to be raised in said city, upon the city roll, for city and school purposes.

Council to declare by resolution amount to be raised by taxation, etc.

Board of education to declare by resolution amount to be raised for school purposes.

Assessment of taxes.

SEC. 33. Said comptroller shall proceed to assess a tax upon said city tax roll for the total amounts of the taxes ordered to be raised as specified in section twenty-five; and so, in like manner, the comptroller shall proceed to assess a tax upon said roll for the amount ordered to be raised for school purposes, according and in proportion to the individual and particular estimate and valuation specified in said roll, entering the said school tax in one column, to be headed "school tax," and in a like manner the city and highway taxes in separate columns, to be headed respectively "city tax," "highway tax, first ward," "highway tax, second ward," "highway tax, third ward," "highway tax, fourth ward," "highway tax, fifth ward," "highway tax, sixth ward," "highway tax, seventh ward." For the purpose of avoiding fractions in excess of said amounts, the comptroller may add thereto not more than one per cent on the amount to be raised; said excess shall be paid into and belong to the contingent fund of the city. The taxes assessed upon each valuation shall be extended and added together in the last column of said roll, upon the right hand side of the page, opposite each valuation.

Extension of upon roll.

Notice to be given by treasurer of receipt of roll, etc.

SEC. 35. The treasurer shall forthwith cause notice to be served upon, or mailed to each person whose name appears upon said roll, notifying him that said city tax roll is in the hands of said treasurer, that a tax assessed thereon against such person is due, and that if said tax is not paid on or before the thirtieth day of September then next ensuing, interest will be added thereto at a rate of one per cent a month, or fraction of a month, thereafter until paid. Said notice may be in the following form:

Form of notice.

To N—— B—— :

Take notice that the city tax roll of Bay City for the year 18— is now in the hands of the treasurer of said city, that a tax assessed thereon against you is now due, that if said tax is not paid on or before the thirtieth day of September instant, interest will be added [thereto] at the rate of one per cent a month or fraction of a month thereafter ensuing before the payment of said tax.

Yours, etc.,
C—— D——
Treasurer.

Collection of taxes in case of failure to pay.

In case any person named in said roll shall refuse or neglect to pay any tax imposed on personal or real estate belonging to him, the treasurer shall levy the same by distress and sale of the goods and chattels of said person wherever the same may be found within the county of Bay, and thereupon the treasurer shall possess all the powers, be subject to all the duties conferred and imposed by sections thirty-five and thirty-eight of an act entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon," approved March fourteen [eighteen hundred and eighty-two], being act number nine of the session laws of eighteen hundred and eighty-two.

When interest to be added upon unpaid taxes, etc.

SEC. 36. Upon all taxes unpaid after the thirtieth day of September interest shall be computed at the rate of one per cent for each month or fraction of a month that shall elapse after said

thirtieth day of September down to the time of payment, *e. g.*, if a tax remain unpaid after said thirtieth day of September and is paid any time during the month of October, one per cent will be added and collected. Such interest shall become a part of said tax and both tax and interest shall be collected by said treasurer in the same manner and at the same time.

SEC. 37. When a tax assessed upon any tax roll is paid or collected by the treasurer he shall give a receipt therefor, and shall write the word "paid" in ink with date of payment upon such roll opposite thereto, and shall indicate upon said roll opposite the tax the amount of interest collected, in ink. If the tax upon any particular description of land upon said roll shall be paid only on a part of the land or upon an undivided interest therein, that fact shall be fully stated upon said roll so that it may, by inspection of the roll, be readily determined upon what part or interest the tax has been paid and upon what part or interest it has not been paid. The treasurer shall keep a tax collection book in which he shall enter in separate columns the name of the party paying the tax, page of tax roll, amount of tax paid, amount of interest paid, and date of payment of tax.

SEC. 38. Within two days after the return day mentioned in said warrant the treasurer shall return said roll to the comptroller. All taxes assessed and collected as school taxes shall be applied to fill the school fund; all taxes collected and paid as city taxes shall be applied to fill the city fund, and taxes assessed and collected as highway taxes in each ward shall be applied to fill the highway fund of that ward. The county tax roll herein before mentioned shall be treated and regarded as the assessment roll of Bay City in connection with the matter of equalization of assessment rolls by the board of supervisors and for all the purposes of assessing the county and State taxes apportioned to the city.

SEC. 40. If any tax assessed upon the city tax roll against any person, or upon any property, real or personal, shall remain unpaid at the time of the return of such tax roll to the comptroller, the comptroller shall enter and assess the amounts of such taxes, with the interest accrued thereon, upon said county roll opposite to and against the same person and property. So in like manner, if any tax assessed upon any local tax roll against any person or upon any property shall remain unpaid at the time of the return of such local roll or transcript to the comptroller, the comptroller shall compute the interest due on such tax up to the return day of the transcript, as provided in section fifty-seven of this act, and the amount of such tax and interest thereon shall be assessed on the county tax roll against the same person or upon the same property. The different taxes to be assessed upon said county tax roll shall be entered in different columns as follows: The State tax in a column headed "State tax," county tax in a column headed "county tax," the school tax in a column headed "school tax," and all other taxes of whatever name and nature in a column headed "city tax."

SEC. 41. The comptroller shall deliver the county tax roll, with

When county tax roll to be delivered to treasurer.

Warrant.

his warrant attached, to the treasurer on or before the first Monday of December; said warrant shall be under the hand of the comptroller, commanding such treasurer to collect from the several persons named in said roll the several sums mentioned in the last column of such roll opposite their respective names and to retain in his hands the amount receivable by law into the city treasury for the purposes therein specified, and to account for and pay over to the county treasurer the amounts therein specified for State and county purposes, on or before the first day of February then next ensuing. Such warrant may be in the form given in section thirty-four of this act, except as herein otherwise provided.

Notice to be given by treasurer upon receipt of county tax roll.

SEC. 42. Upon receiving said county tax roll and warrant, said treasurer shall forthwith cause notice to be served upon or mailed to each person whose name appears upon said role, notifying them that said county tax roll is now in the hands of said treasurer; that a tax assessed thereon against such person is now due, and that if said tax is not paid on or before the thirty-first day of December then next, interest will be added thereto at the rate of one per cent a month or fraction of a month; said notice may be in the form prescribed in section thirty-five of this act, except only the title of the roll and date from which interest is to be computed. The treasurer shall possess the same power and be charged with like duties under and in respect to the county tax roll and warrant thereto annexed, as is prescribed in respect to the city tax roll and warrant thereto annexed, and he shall also possess all the powers, be subject to all the liabilities, discharge all the duties prescribed by law for township treasurers in respect to the collection of taxes, the paying over and accounting for moneys received for taxes, the return to the county treasurer of property delinquent for taxes, and in respect to all other matters pertaining to the subject of taxes and taxation, except as herein otherwise provided.

When interest to be added.

SEC. 43. Upon all taxes unpaid after the thirty-first of December additional interest shall be computed at the same rate, added to the tax, and collected by the treasurer in the same manner as is provided by section thirty-six, in respect to taxes assessed upon the city tax roll. Upon all taxes so remaining unpaid after the thirty-first day of December the treasurer shall add four per cent for collection fees.

Disposition of money collected.

SEC. 45. The money collected by the treasurer upon the county tax roll shall be applied ratably to fill the city, school, highway, and other city funds.

Treasurer to be charged and credited, etc.

SEC. 46. The comptroller, at the time of delivering any tax roll to the treasurer shall charge the amount of taxes assessed thereon to the treasurer, and when such roll shall be returned the treasurer shall be credited with the amount of tax remaining delinquent. The interest collected by the treasurer shall be credited by the comptroller ratably to all the funds mentioned in the warrant annexed to such roll. At the time of the return of the county roll to the county treasurer the comptroller shall charge said county treasurer the amounts of said return roll, and at the time of any settlement between the city treasurer and county treasurer, said county treas-

How interest credited.

What county treasurer to be charged with, etc.

urer on paying over any sums due Bay City shall furnish a full statement to the comptroller and treasurer of the amounts of such taxes and interest collected and paid over, giving each fund separate; the same shall be credited up by the treasurer and comptroller to the different funds as provided in section forty-five of this act.

SEC. 48. All moneys drawn from the treasurer except school funds, shall be drawn in pursuance of an order of the council by warrant signed by the recorder and countersigned by the comptroller. Such warrant shall specify for what purpose the amount therein named is to be paid, and the comptroller shall keep an accurate account of all warrants paid by him. The treasurer shall keep an accurate account of and report to the comptroller on the first of each month a detailed statement of all taxes and interest collected and moneys received and disbursed. Said books shall be opened to the inspection of any elector of the city at all reasonable hours. All warrants paid by the treasurer shall at all times be subject to the inspection of the comptroller, who shall give the treasurer credit for moneys disbursed. The treasurer shall exhibit to the council an annual statement at the end of the fiscal year, March twenty-two, and at such other times as the council may require, a full and fair account of the receipts and expenditures from and after the date of last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found correct shall be filed. The comptroller shall render statements of the accounts of the city appearing upon his books, whenever required by the council.

SEC. 49. Whenever the council shall order the construction of any sidewalk or any main or lateral sewer, the planking, paving, macadamizing, or the covering of any street with broken or pounded stone, the expense whereof is by this act made a charge upon the property specially benefited thereby, they shall order the work to be done and designate the place where it is to be performed, and the council may give such other directions about said work as they may deem best.

SEC. 50. Whenever the council shall order the performance of such work the board of public works shall proceed forthwith to estimate the cost of such work, and may cause surveys, plans, and specifications to be made, and report the same to the council with such other recommendations as they may deem advisable. As soon as the cost of such work shall be estimated by the board of public works, approved by the council, and contract let for the performance of such work, the comptroller shall prepare a tax roll, in which roll he shall set down the description of all the lands and premises he deems to be specially benefited by the proposed work, the amount assessed against each description of property, which amount shall include the contract price of construction and the amount as estimated by the board of public works for surveying, superintending, construction, and advertising.

SEC. 53. After the tax roll shall be so approved the comptroller shall deliver such roll to the treasurer, who shall retain the same in his hands for the period of thirty days from and after the first day

*How moneys
drawn from
treasurer.*

*Monthly report
of treasurer to
comptroller.*

*Annual state-
ment of treas-
urer.*

*Statements by
comptroller.*

*Powers of coun-
cil to order work
done, etc., when
expense is
charge upon
property bene-
fited.*

*Board of public
works to make
estimates, plans,
etc.*

*Comptroller to
prepare tax roll.*

*Roll to be deliv-
ered to treas-
urer.*

Notice to be given.

Roll to be returned to comptroller.

Form of warrant.

of the next calendar month ensuing, during which period he shall receive all voluntary payments. He shall cause notice to be mailed to all persons assessed on said roll, notifying them that such roll is in his hands and that he will receive all voluntary payments thereon without interest until the time herein provided for the return of the same to the comptroller. At the expiration of said time the treasurer shall return said roll to the comptroller, whereupon the comptroller shall immediately annex thereunto a warrant directed to the treasurer of said city, substantially in the form following, viz.:

To the treasurer of Bay City:

You are hereby commanded to collect from the several persons named in the annexed tax roll, the several sums mentioned in the last column of said roll set opposite their respective names, together with a collection fee of four per cent, and to retain the same in your hands for the purpose of paying the costs of *e. g.* paving Water street from Third street to Twenty-third street, or as the case may be.

Interest will be added and collected by you upon all taxes assessed upon said roll, at the rate of one per cent per month or fraction of a month from the date of this warrant, as provided by law.

You are further commanded to make return of said roll according to law on the _____ day of 18____.

Dated,-----

E ----- F
Comptroller.

Collection of powers and duties of treasurer.

SEC. 54. Upon receiving the said roll and warrant, the said city treasurer shall proceed to collect of the several persons named in the roll the amount assessed against them thereon, as commanded by said warrant, together with four per cent for collection. In case any person named in said roll shall neglect or refuse to pay his tax, it shall be the duty of the treasurer to levy the same by distress and sale of the goods and chattels of such person wherever the same may be found within the county of Bay. In the event of any property being seized by the treasurer as above prescribed, he shall proceed to advertise and sell the same in the manner provided by law for the sale of chattels seized by the treasurer under a warrant annexed to a city tax roll.

On what taxes interest to be collected.

SEC. 56. The treasurer shall collect interest on all taxes delinquent after the date of the warrant; such interest shall be computed at the rate of one per cent for each calendar month or fraction of a month, which shall elapse between the date of the warrant and the time of payment, *e. g.*, if the last date fixed in such warrant be the first day of July, one per cent interest shall be added to and collected upon all taxes assessed on said roll, paid during the month of July, and two per cent upon all taxes paid during the month of August then next following. The treasurer, at the expiration of two calendar months from the date of said warrant shall return said roll to the comptroller.

Roll to be returned to comptroller.

SEC. 57. At the time fixed in said warrant for the return of said

roll, the treasurer shall return the same to the comptroller, with a statement thereto attached, wherein he shall state substantially that the amounts so returned as unpaid, remain unpaid by reason of the treasurer being unable, after diligent inquiry, to find sufficient personal property on which to levy and collect such taxes; which statement and return shall in all cases be made under oath and filed in the office of the comptroller. On the return of such rolls as above provided for, the comptroller shall immediately transcribe such descriptions of property upon which the several amounts of taxes appear on said roll unpaid, with the accrued interest added thereto, into a book provided and kept for that purpose. The comptroller shall deliver such transcript to the treasurer, to whom any person or party in interest may pay such unpaid tax or assessment at any time before it is put in the general county roll as provided hereafter, by paying to the treasurer the amount of taxes so assessed against him or his property, together with interest at a rate of one per cent per month, or fraction of a month, the same to be added and computed from the day of the month, on which said transcript was delivered to the treasurer to the date of payment. Said transcript shall be returned to the comptroller on the first day of November next following, who shall proceed to add the interest accrued as above and shall assess the same against the same descriptions and property in the county tax-roll as provided in section forty, and such taxes shall then be levied, collected, and returned, and the said premises may be sold for the non-payment thereof, as provided by law for the non-payment of other taxes. No tax levied or assessed under this act shall be rendered invalid by reason of the treasurer neglecting to swear to or file the statement required by this section, or by reason of the treasurer not making such levy as sworn to by him.

SEC. 62. Within thirty days after the passage of this act the council, on nomination of the mayor, shall appoint three persons, being tax-paying electors of said city, and whose names appear on the assessment roll of the city, who, together with the city comptroller and the city surveyor, shall constitute the board of public works. The first member of such board so appointed under this act shall hold his office for three years from the first day of May, eighteen hundred and eighty-three; the second for three years from the first day of May, eighteen hundred and eighty-four; and the third three years from the first day of May, eighteen hundred and eighty-five; and after, and as their respective terms expire, one member of said board shall be appointed each year by the council, on the nomination of the mayor, who shall hold his office for three years from May first. In case of vacancy the council shall fill such vacancy for the remainder of the unexpired term. Any person appointed member of said board shall hold office until his successor is appointed and qualified.

SEC. 64. Said board shall have the charge and management of the construction of all main and lateral sewers, of the construction of all sidewalks, of the planking, paving, macadamizing, and covering with pounded stone and other material of any street, the

*Return of roll by
treasurer, with
statement
attached, etc.*

*Proceedings in
cases where
taxes remain
unpaid, etc.*

*Tax valid not
withstanding
certain infor-
milities.*

*Board of public
works.*

Duties of board.

expense of which by this act is made a charge upon the property especially benefited thereby, of the erection of public buildings, and shall perform such other duties as the council shall direct, but said board shall not enter into any contract for making public improvements unless authorized by the council, nor incur any indebtedness whatever beyond the amount appropriated by the council for that particular purpose. The city surveyor, under the direction of the board of public works, shall be the engineer in charge of all local improvements, and shall establish all grades for the same.

- Compensation of members.** SEC. 68. The members of the board of public works shall be paid for the time actually employed in the discharge of their duties a sum to be fixed by the council, not exceeding three dollars per day: *Provided*, That no member of said board shall receive over one hundred dollars per annum for his services. Each of said members shall, before entering upon the duties of his office, execute a bond to the city conditioned for the faithful discharge of his duties; such bond, to be given in the penal sum of five thousand dollars, shall be executed by one or more sufficient sureties, and be approved by the mayor. Any member of said board may be removed by a majority vote of all the members of the council elect, upon cause shown and after having been afforded a reasonable opportunity to make a defense; and any member of said board may be removed by the mayor when requested by resolution of the council, adopted by a two-thirds vote of all the members elect. In such case it shall not be necessary to assign any reasons or give any notice. The vote of the council shall be taken by yeas and nays, and shall be entered at large upon the records thereof, but the provisions of this section shall not apply to the comptroller. The comptroller shall have the power to call a meeting of said board whenever he shall deem it necessary, and shall be the secretary of said board.
- Meetings of Secretary.**
- Assessment may be paid in installments.**
- Warrant in such cases.**
- Return of roll to comptroller.**
- Delinquent taxes to be assessed on county roll, etc.**
- Proceedings in collecting second installment.**
- SEC. 69. Whenever the council shall order a public work to be performed and to be paid for by local tax assessed according to benefits, it may also direct that the same may be collected and paid in two equal installments. In such case the warrant annexed to the local tax roll made out in pursuance of such order shall be made so as to command the treasurer to collect one-half of such tax and make return of said roll in one year, and the remainder in the next ensuing year. If any portion of the first installment of such tax shall remain delinquent at the time when it should be paid, the treasurer shall return such roll to the comptroller. The comptroller shall compute interest upon that portion of such installment so delinquent, and add such delinquent installment and interest to the city taxes to be assessed on the county roll for the current year, in the same manner and with like effect as is provided in section fifty-seven in respect to delinquent taxes upon local tax rolls in other cases.
- SEC. 70. At the expiration of one year the comptroller shall again deliver said tax roll to said treasurer, who shall proceed to collect the second of said installments. The same proceeding shall be had in respect to said second installment as are provided in respect to local taxes in other cases.

SEC. 84. Each member of the police force, appointed by said board and confirmed by the council, shall before entering upon the duties of his office take and subscribe the oath prescribed by the constitution of this State, and file the same with the clerk of said board. After filing said official oath the policeman so appointed shall have power within the city limits to serve any summons, subpoena, warrant, order, notice, paper, or process whatever, issued as directed by any justice of the peace, recorder of the city, or officer whatever in the execution of the laws of this State, or ordinances of the city, for the prevention of crime and the punishment of offenders. They shall have power to serve process for any violation of the city ordinances, and generally shall have and exercise the powers as conservators of the peace which township constables, under the general laws of the State possess, but such policemen shall have no power to serve any civil process. For the time engaged in active service each member so engaged shall be paid such sum as shall be recommended by the board and approved by the council.

SEC. 85. It shall be the duty of said board and of the police force hereby constituted at all times of the day and night within the boundaries of Bay City to preserve the public peace and prevent crime and arrest offenders, to protect the rights of persons and property, to guard the public health, to preserve order, to enforce all laws of the State and all ordinances of said city and lawful resolutions of the council, to remove nuisances existing in public streets and highways, to report all leaks and defects in water pipes and sewers to the proper authorities, to provide a proper force at every fire in order thereby that the firemen may be protected in the performance of their duties, and property preserved for the owners thereof; to protect strangers and travelers at steamboat landings and railway stations, and generally to carry out and enforce all ordinances of the city, lawful resolutions of the council, and laws of the State.

SEC. 86. No member of the police force shall receive or share in, under any pretense whatever, any present, fee, gift, or emolument for police service other than the regular salary and pay; nor shall any member of said force receive or share in any fee, gift, emolument, or reward from any person who may become bail for the appearance of any one arrested, accused, or convicted of any offense, or who may become surety on appeal from the judgment or decision of any court or magistrate; or any gift, fee, or reward from any attorney at law who may prosecute or defend any person arrested or prosecuted for any offense within the city of Bay City; nor shall any member, either directly or indirectly, interest himself or interfere in any manner whatever in the employment or retainer of any attorney to aid in the defense of any person accused or arrested for any offense, and for any violation of this section the member offending shall be immediately removed from office.

SEC. 87. The board of police commissioners may, by unanimous consent, allow the members of the police force to receive fees, gifts, and rewards for extraordinary police services rendered by members

Oath, powers,
and duties of
policemen.

Powers and
duties of board,
and of the police
force.

Policemen not
to receive any
present, gift,
etc.

Fees of police
men for extra-
ordinary ser-
vices, etc.

of said force, but all such fees, gifts, rewards, or emoluments shall be paid into the city treasury to the credit of the general fund by said board of police commissioners.

Security may be required. SEC. 89. The board of police commissioners shall have power in their discretion to require the chief of police or any member of the police force to give such security as they may deem just, for the faithful performance of their duties.

Mayor may take acknowledgments, etc. SEC. 94. The mayor shall, by virtue of his office, be authorized to take the acknowledgment of deeds and other instruments in writing; to administer oaths and affirmations, perform marriage ceremonies, and do all other like acts that justices of the peace are by law authorized to do, and may affix to any official certificate the seal of the city. The comptroller and recorder are authorized generally to administer oaths and affirmations and take affidavits, and the comptroller is authorized to certify copies of all papers in his office.

Where official bonds deposited. SEC. 96. All official bonds of said city, except as herein otherwise provided, shall be deposited with the recorder of the city for safe keeping, and it shall be his duty to deliver the same to his successor in office. All other bonds of said city and all contracts of said city shall be filed with the comptroller.

Powers and duties of comptroller. SEC. 100. It shall be the duty of the comptroller to keep the financial accounts of the city; to countersign all bonds, orders on the treasury and all evidences of debt and transfers of property which the council is authorized to make, pledging the faith of the city; to examine all accounts and demands against said city and certify to the council as to the correctness of the same, and when payment thereof shall be authorized by the council to countersign and register the orders drawn therefor by the recorder upon the treasurer; he shall keep in proper books a record of all bonds issued by the city with the number, amount, and dates thereof, when issued, when payable, and of all coupons attached thereto. The comptroller shall in like manner keep accounts of all funds, taxes, assessments, receipts, and expenditures of the city, and at the end of the fiscal year in the month of March in each year he shall make out and present to the council a full statement and balance sheet of the financial accounts of said city as provided in section ninety-two of this act, with such recommendations as may be proper to add thereto, and shall cause two hundred copies of the same, or as many more as the council may direct, to be printed in pamphlet form. He shall sign all contracts and agreements on behalf of the city, except as herein otherwise provided, subject to the orders of the council, and shall make all purchases for the city or its officers not otherwise herein provided for unless otherwise directed by the council. He shall be charged with the leasing, repairs, insurance, and general supervision of the city property, not herein otherwise provided for, and for his information may require reports from all officers and persons having any city property in charge or possession, and report the same when required by the council. He shall certify the pay rolls and wages of all city officers and employés of the city. He shall exercise a general supervision over the financial

concerns of the city ; and keep complete sets of books exhibiting the condition of the city in its various departments and funds, its resources and liabilities, with a proper classification thereof, and of each fund or appropriation for a distinct object or class of expenditure. He shall open an account with the treasurer, in which he shall charge the treasurer with the whole amount of taxes, special or general, levied in said city and placed in his hands for collection, all sums received for licenses, rents, and other moneys which may be paid into the city treasury, and all bonds, coupons, notes, leases, mortgages, interest, and bills receivable by said city of whatever nature. He shall charge to the treasurer all taxes which may be placed in his hands for collection, and all other officers of the corporation with all funds, moneys, or property placed or being in their possession, and shall require settlement with such officers at least once a year and not oftener than once a month. He shall also give the treasurer and all such other officers credit for all moneys disbursed, upon showing proper vouchers. He shall make out and attach warrants to all tax rolls of the city, and shall perform such other duties as are or may be prescribed by this act, or by ordinances of the council not inconsistent herewith.

SEC. 102. The treasurer shall, two weeks before the time fixed by law for the delivery of any tax roll to said treasurer, give notice by publishing the same in the official newspaper in said city, and by posting the same in three public places in each ward of said city, of the time when such treasurer will receive such roll, and of the time when by the law he will be required to receive the taxes thereon : *Provided*, That any defect in said notice, or any omission to comply with the provisions of this section, shall not invalidate said tax roll, or any measures thereafter to be taken to enforce collection of the taxes thereon assessed. Such notice shall be published in said official newspaper for four successive weeks.

SEC. 103. The treasurer of the city shall be, by virtue of his office, the collector of all taxes and assessments, both general and special, levied and made therein, and for that purpose, within ten days after his election, he shall give bonds to the city in such sum and with such surety, or sureties, as the council shall require and approve ; he shall also give to the treasurer of the county of Bay, such further security as is or may hereafter be required by law of the several township treasurers of this State, and for the purpose of the collection and return of all such taxes, and of the return of property delinquent for the non-payment of taxes ; the said treasurer, or [on] giving the bonds or surety so required, shall possess all the powers, and perform all the duties of the several township treasurers of this State as prescribed by law, and shall also perform such other duties respecting the collection and return of taxes as the council shall require. He shall have power to appoint a deputy, to be approved by the council, and make or revoke such appointment at his pleasure, which appointment and revocation shall be in writing, and filed in the office of the recorder, and the deputy may perform the duties of such treasurer, and said deputy, before entering upon the duties of his office, shall give bonds to

Notice to be given by treasurer.

Treasurer to be collector of taxes.

Bonds of, to city.

Bonds to county.

Powers and duties of.

May appoint deputy, etc.

the city in such sum, and with such surety, or sureties, as the council may require and approve.

Duties and powers of street commissioner.

SEC. 106. The street commissioner shall, under the direction of the council, superintend the making, grading, repairing, and planking, and opening of all streets, lanes, alleys, bridges, sidewalks, drains, and sewers, within the limits of the city, in such manner as he may from time to time be required, and before entering on the discharge of his duties, and within ten days from the notice of his appointment, he shall take the oath of office, and give such security for the faithful discharge of his duties as the council shall direct and require.

Proceeding upon bringing person charged before recorder, or police justice.

SEC. 113. Upon bringing the person so charged before the recorder or police justice, he shall plead to said complaint, and in case of his refusing to plead or standing mute, the recorder or police justice shall enter the plea of not guilty for the person so charged, and upon the said complaint and plea a trial shall be had, and upon conviction of said offender and imposition of a fine only, with or without costs, it shall be the duty of the recorder to issue a commitment directed to the chief of police or any constable of the county of Bay, reciting the sentence and the substance of the offense as charged in the warrant commanding the commitment of the person so offending until the expiration of the term named in the sentence, unless said fine and costs are sooner paid, or until he be discharged by due course of law; and in case where imprisonment alone shall be imposed upon the person so convicted, the said recorder shall issue a commitment directed as aforesaid, commanding his commitment until the expiration of the time for which he shall be sentenced for imprisonment, or until he be discharged by due course of law; and in cases where both fine, with or without costs, and imprisonment, or imprisonment in default of payment of fine or costs, are imposed upon the person so convicted by the judgment of such police justice or recorder, he shall issue the necessary process to carry such judgment into effect: *Provided*, That the common council may remit such fine in whole or in part if it shall be made to appear that the person so committed is unable to pay the same in money or labor. All fines and costs imposed and collected by the recorder for the violation of any ordinance or by-law of the common council shall be paid into the city treasury and shall belong to the general fund.

Proviso.

Streets to be paved, etc., only on petition.

SEC. 134. The council shall not order any street paved, planked, macadamized, or covered with broken or pounded stone, or any sewer or sidewalk constructed, unless a majority of the resident tax payers, as appears from the last assessment roll, whose property will probably be liable to assessment for such improvement, petition therefor: *Provided*, That the council may by a vote of two-thirds of the aldermen elect order any sewer or sidewalk constructed: *Further proviso.* *And provided further*, That the council may, by a vote of three-fourths of all the aldermen elect, order any street paved, planked, macadamized, or covered with broken or pounded stone.

Proviso.

Further proviso.

SEC. 135. The expense of repairing any street heretofore or hereafter paved, planked, macadamized, or covered with broken or

pounded stone, and the expense of repairing any sidewalk or sewer heretofore or hereafter constructed, shall be paid out of the highway fund of the ward or wards in which said street, sidewalk, or sewer is situated: *Provided*, That the same may be rebuilt at the expense of the property especially benefited thereby as provided in section seventeen of this act. The decision of the council as to what is repairing or building shall be final.

SEC. 2. That a new section be added to said act to stand as section one hundred and forty-eight thereof, and to read as follows:

SEC. 148. This act shall not invalidate any legal act done by the council of Bay City or any officers of said city, and all ordinances, by-laws, regulations, resolutions, and rules of the council shall remain in force until altered, amended, or repealed by the council or by this act. This act shall not invalidate any obligation heretofore made by said city or any tax or assessment levied or made under an act entitled "An act to revise an act to incorporate the city of Bay City," approved March twenty-first, eighteen hundred and sixty-five, as amended and revised by the several acts amendatory and revisionary thereof. In all cases where the council shall have ordered the construction of any sidewalk, the construction of any main or lateral sewer, the planking or paving of any street, the expense whereof is made a charge upon the property specially benefited thereby, and the tax or assessment roll for said local improvement shall not have been made out and approved prior to the passage of this act, such tax or assessment roll shall be made out and completed, and all proceedings hereafter had thereunder shall be in pursuance of this act.

SEC. 3. Section one hundred and one of said act is hereby ~~Section repealed.~~

This act is ordered to take immediate effect.

Approved May 4, 1883.

[No. 288.]

AN ACT to amend the charter of the city of East Saginaw, being amendatory of an act entitled "An act to incorporate the city of East Saginaw," approved February fifteenth, eighteen hundred and fifty-nine, as amended by the several acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact*, That section ten of title three of the charter of the city of East Saginaw shall be amended so that the same shall read as follows:

SEC. 10. The common council in addition to the powers and duties specially conferred upon them in this act shall have the management and control of the finances, rights, and interests, buildings, and all property, real and personal, belonging to the city, and make such orders and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power within said city to enact, make, continue, establish, modify,

amend, and repeal such ordinances, by-laws, and regulations as they deem desirable within said city for the following purposes:

Vice, immorality, and preservation of peace, etc. *First*, To prevent vice and immorality, to preserve peace and good order, to regulate the police of the city, to prevent and quell riots, disturbances, and disorderly assemblages;

Gaming houses, etc. *Second*, To restrain and prevent disorderly and gaming houses, and houses of ill-fame, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billard-tables and bowling alleys;

Intoxicating liquors, etc. *Third*, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of this State, and to forbid the selling or giving to be drank any intoxicating liquors to any child or young person without the consent of his or her parent or guardian, and to prohibit, restrain, and regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by and to auctioneers;

Shows, etc. *Fourth*, To prohibit, restrain, license, and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money;

Nuisances. *Fifth*, To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove, or abate the same from time to time as often as they may deem necessary for the health, comfort, and convenience of the inhabitants of said city;

Slaughter houses, markets, etc. *Sixth*, To direct the location of all slaughter houses, markets, and buildings for storing gunpowder, or other combustible materials, and to regulate the manner of keeping the same;

Firearms, fire-works, etc. *Seventh*, To regulate, restrain, or prohibit the buying, selling, carrying, and using of firearms, weapons, gunpowder, fire-crackers, or fireworks manufactured or prepared therefrom, or from other combustible materials, and the exhibition of fireworks, and the discharge of fire-arms, and the lights in barns, stables, and other buildings, and to restrain and prohibit the making of bonfires in streets, yards, alleys, and public places;

Encumbering of streets, etc. *Eighth*, To prevent the encumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges, aqueducts, wharves, or slips in any manner whatever;

Immoderate driving, etc. *Ninth*, To prevent and punish horse-racing and immoderate riding or driving in any street, and to authorize the stopping and detaining any person who shall be guilty of immoderate riding or driving in any street;

Railroads. *Tenth*, To determine and designate the routes and grades of any railroad to be laid in said city, and to restrain and regulate the use of locomotives, engines, and cars upon the railroads within the city;

Bathing. *Eleventh*, To regulate, restrain, or prohibit bathing in any public water, and to provide for cleansing Saginaw river of drift wood and other obstructions;

Twelfth, To restrain and punish drunkards, vagrants, mendicants, street beggars, and persons soliciting alms or subscriptions for any purpose whatever;

Thirteenth, To establish one or more pounds, and to restrain, regulate, or prohibit the running at large of horses, cattle, swine, and other animals, geese, and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping and impounding;

Fourteenth, To regulate or prevent the running at large of dogs, to impose taxes on the owners of dogs, and to prevent and punish dog fights in the streets and elsewhere in said city;

Fifteenth, To prohibit any person from bringing and depositing within the limits of said city any dead carcass or other unwholesome substance, and to require the removal or destruction thereof if any person shall have on his premises such substance or any putrid meats, fish, hides, or skins of any kind, and on his default to authorize the removal or destruction thereof by some officer of the city;

Sixteenth, To compel all persons to keep sidewalks in front of Sidewalks, premises owned or occupied by them clear from snow, dirt, wood, and all other obstructions;

Seventeenth, To regulate or prohibit the ringing of bells and the Ringing of crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets and elsewhere in said city;

Eighteenth, To prescribe the powers and duties of watchmen, and the fines and penalties for their delinquencies;

Nineteenth, To regulate the burial of the dead and to compel Burial of dead, the keeping and return of bills of mortality;

Twentieth, To establish, order, and regulate the markets, to prohibit the forestalling the same, to regulate the vending of wood, meats, vegetables, fruits, fish, and provisions of all kinds, and prescribe the time and place for selling the same, and the fees to be paid by butchers for license: *Provided*, That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city;

Twenty-first, To establish, regulate, and preserve public reservoirs, fountains, wells, and pumps, and to prevent the waste of water;

Twenty-second, To adopt rules for the regulation of sextons and undertakers in burying the dead, to license and regulate solicitors for passengers or for baggage for the benefit of any hotel, tavern, public house, boat or railroad, also to license and regulate draymen, carmen, truckmen, porters, runners, drivers of cabs, coupés, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used or employed for hire, and to fix and regulate the amounts and rates of their compensation;

Twenty-third, To regulate or prohibit runners, public porters, and all drivers of public conveyances for persons from soliciting

Reservoirs, wells, etc.

etc.

Sextons, under-takers, hack-men, draymen, hotel runners, etc.

etc.

etc.

etc.

etc.

etc.

etc.

etc.

etc.

passengers or others to travel or ride in any public conveyance, boat, or upon any railroad, or to go to any hotel or otherwheres, and to license and regulate scavengers and chimney sweeps;

Lighting of streets.

Twenty-fourth, Concerning the lighting of streets, alleys, and public places, and the protection and safety of public lamps and lights;

Auctioneers, peddlers, etc.

Twenty-fifth, To license and regulate auctioneers, hawkers, peddlers, and pawn-brokers, to regulate auctions, hawking, peddling, and pawn-brokerage, also the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods, and other property whatsoever by hand, hand-cart, show-case, show-stand, or otherwise in the public streets, also to license and regulate or suppress hucksters;

Prescribing duties of officers appointed.

Twenty-sixth, To prescribe the duties of all officers appointed by the common council and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same in cases not otherwise provided for by law;

Preserve salubrity of waters.

Twenty-seventh, To preserve the salubrity of the waters of Saginaw river, or other streams within the limits of said city, to fill up all low grounds or lots covered or partially covered with water, or to drain the same, as they may deem expedient;

Stands for carriages, etc.

Twenty-eighth, To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay, and produce exposed for sale in said city;

Docks.

Twenty-ninth, To prescribe the line upon which docks shall be built in Saginaw river and beyond which they shall not extend, and to enforce the same by a fine not exceeding five hundred dollars, and to regulate such docks, and to compel the owners or occupants thereof to keep the same in repair;

Harbor masters.

Thirtieth, To appoint so many harbor masters as they may deem necessary, and to prescribe their powers, duties, and compensation;

Weights and measures.

Thirty-first, To prescribe the duties of sealers of weights and measures, and the penalty for using false weights and measures, and all the laws of this State in relation to the sealing of weights and measures shall apply to said city, except as herein otherwise provided;

Licenses.

Thirty-second, To authorize the mayor to grant, issue, and revoke licenses in all cases when licenses may be granted under this act and the ordinances of the common council;

Item.

Thirty-third, To prescribe the sum of money to be paid into the treasury of the city for every license which may be granted under this act and the ordinances of said city, also the time for which licenses shall be granted, to require all licenses to be countersigned by the clerk, to require of all persons applying for a license, before the issuing thereof, the execution of a bond to the city, in such sum as the common council may direct with one or more sufficient sureties, conditioned for the faithful observance of the char-

ter and ordinances of the city, and otherwise conditioned as the common council may prescribe;

Thirty-fourth, To establish and maintain a public library, and to provide a suitable building therefor, and to aid in maintaining such other public libraries as may be established within said city by private munificence, as the common council may deem to be for the public good.

SEC. 2. That section one of title four of said charter shall be amended so that the same shall read as follows:

SEC. 1. It shall be the duty of the mayor to take care that the laws of the State and the ordinances of the common council be faithfully executed, to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine into all complaints against them for neglect of duty, to recommend to the common council such measures as he shall deem expedient, to expedite such as shall be resolved by them, and in general to maintain the peace and good order and advance the prosperity of the city; the mayor may also issue process and hear in a summary way any complaint against any person to whom a license of any description has been granted in pursuance of this act for any violation of the laws of the State or the ordinances of the common council, and may issue subpoenas, and compel the attendance of witnesses on the hearing of such complaint, in the same manner as justices of the peace in the trial of civil causes, and on such hearing may annul such license or suspend it for any certain time. Every determination on such complaint shall be forthwith filed with the clerk of the city, who shall serve a certified copy thereof on the person holding a license affected by such determination, either personally or by leaving the same at his or her usual place of abode, and from the time of such service such license shall be annulled or suspended, according to the tenor of such determination.

SEC. 3. That section eleven of title twelve of the charter of said city shall be amended so that the same shall read as follows:

SEC. 11. To meet the expense of the construction of sewers in said city, in anticipation of the collection of assessments and taxes to defray the expense and costs thereof, the common council may by resolution authorize and direct the mayor, controller, and clerk of said city to borrow a sum of money, not exceeding twenty-five thousand dollars in any one year for such purpose, and to issue the bonds of said city therefor bearing interest at a rate not exceeding seven per cent per annum, and payable in four, seven, and ten years from the respective dates; said bonds to be endorsed "sewer bonds," and to be numbered consecutively; said bonds shall not be sold for less than par, and the proceeds of the same shall be paid to the city treasurer and by him placed to the credit of the sewer fund: *Provided*, That the total amount of the bonds which the common council is thus authorized to issue shall not exceed one hundred and fifty thousand dollars outstanding at any one time.

This act is ordered to take immediate effect.

Approved May 5, 1883.

[No. 289.]

AN ACT to legalize the proceedings relative to the levy and assessment of the sewer tax in the village of Alma, Gratiot county, for the year eighteen hundred and eighty-two.

**Proceedings
legalized.**

SECTION 1. *The People of the State of Michigan enact,* That the sewer tax assessed in the village of Alma, Gratiot county, in the year eighteen hundred and eighty-two, be, and the same is hereby legalized, and the assessment made on account of said sewer shall have the same force and be as binding as though a majority of the resident property owners had joined in the petition for the construction of said sewer.

This act is ordered to take immediate effect.

Approved May 5, 1883.

[No. 290.]

AN ACT to amend section twenty-nine of an act entitled "An act to incorporate the city of Marshall," approved February fourteenth, eighteen hundred and fifty-nine.

**Sections
amended.**

SECTION 1. *The People of the State of Michigan enact,* That section number twenty-nine of "An act to incorporate the city of Marshall," approved February fourteenth, eighteen hundred and fifty-nine, be and the same hereby is amended so as to read as follows:

**Jurisdiction
of justices in
offenses under
ordinances, by-
laws, etc., of
city.**

SEC. 29. Any justice of the peace of said city is hereby authorized and empowered to inquire of, hear, try, and determine, in a summary manner, all the offenses which shall be committed within the limits of said city against any of the by-laws or ordinances which shall be made by the common council, in pursuance of the powers granted by this act; to punish the offenders as by the said laws or ordinances shall be prescribed or directed; to award all processes, and take recognizances for the keeping of the peace, for the appearance of the person charged, and upon appeal, and to commit to prison, as occasion shall lawfully require. In all prosecutions for a violation of any of the by-laws or ordinances passed by the said common council, upon complaint being made upon oath before said justice, setting forth therein the substance of the offense complained of, such justice of the peace shall issue a warrant in the name of the people of the State of Michigan, for the apprehension of the offender, directed to the marshal of the city of Marshall, or any constable of the county of Calhoun, except in the case mentioned in the next succeeding section, and such process may be executed by any of said officers anywhere within the county of Calhoun, and shall be returnable the same as other similar process issued by justices of the peace; that upon bringing the person so charged before said justice of the peace, he shall plead to said complaint, and in case of his refusing to plead thereto, or standing mute, the said justice of the peace shall enter the plea of not guilty

**Proceedings
before justice in
cases arising
under.**

for the person so charged; that upon the said complaint and plea a trial shall be had, and upon conviction of said offender, and the imposition of a fine, it shall be the duty of the justice to issue an execution, directed to the marshal of said city, or any constable of said county, commanding him to collect of the goods and chattels of the persons so offending, the amount of such fines with interest and costs, and for the want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the common jail of said county, and the sheriff shall safely keep the body of the person so committed until he be discharged by due course of law; and in case where imprisonment alone shall be imposed upon the person so convicted, the said justice shall issue a commitment, directed as aforesaid, commanding his commitment until the expiration of the time for which he shall be sentenced to imprisonment, or until he be discharged by due course of law; and in case where both fine and imprisonment are imposed upon the person so convicted by the judgment of such justice of the peace, he shall issue the necessary process to carry such judgment into effect, and it shall be lawful to use the common jail of said county for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed by any justice, for the violation thereof, shall be in the custody of the sheriff of said county, who shall safely keep the persons committed until lawfully discharged, as in other cases: *Provided*, That the common council may *Proviso.* remit any such fine, in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same, and: *Provided, also*, That in case of the conviction of any male person of a violation of the by-laws or ordinances of the common council in cases where the punishment therefor may be by imprisonment, it shall be lawful for the court wherein such conviction shall be had to sentence such convicted person to imprisonment at hard labor, and it shall be lawful for the marshal, under the direction of the common council, to employ such convicted person so sentenced and compel him to work at any labor for the benefit of the streets, sewers, parks, or bridges, which may be from time to time needed or expedient, and may for that purpose in the day time take such convicted person so sentenced from the said jail in the day time of each or any day during the term for which he was so sentenced to work on such streets, sewers, parks, or bridges, or for the benefit thereof in any convenient place, as directed by the common council, returning said convicted person to said jail at night and for his meals: *Provided further*, That all costs and *Further pro-* expenses incurred under the provisions of this section shall be *viso.* provided for and paid out of the city treasury.

*Proviso in refer-
ence to the
employment of
persons con-
victed, etc.*

This act is ordered to take immediate effect.

Approved May 8, 1883.

[No. 291.]

AN ACT to detach township eighteen north, of range three east, from the township of Lincoln, and attach the same to the township of Pinconning in Bay county.

Township detached.

SECTION 1. *The People of the State of Michigan enact,* That township eighteen north, of range three east, be and the same is hereby detached from the township of Lincoln, and attached to the township of Pinconning in Bay county.

This act is ordered to take immediate effect.

Approved May 10, 1883.

[No. 292.]

AN ACT to legalize the action of the electors of the township of Elk Rapids, in voting to raise money by tax and by loan, to erect a town hall, and to authorize the payment of its indebtedness incurred thereby.

Action of electors legalized.

SECTION 1. *The People of the State of Michigan enact,* That the action of the electors of the township of Elk Rapids, in voting by ballot at the regular township election held therein in April, in the year of our Lord eighteen hundred and eighty-one, after due notice was given, to raise money by tax and by loan to erect a town hall therein, is hereby declared to be legal and valid, and all indebtedness incurred and taxes levied for building such town hall are hereby made legal charges upon such township: *Provided*, That the total expense of purchasing a site, building and furnishing such town hall, to be paid by taxes, and by loan together, shall not exceed the amount of one per cent on the assessed valuation of said township for the year eighteen hundred and eighty-two.

Proviso.

Township board authorized to provide for payment, etc., of hall.

SEC. 2. The town board of said township is hereby authorized to provide for the payment of all loans made necessary for building and furnishing such town hall, which, together with the taxes already appropriated, shall not exceed the amount above specified, and for that purpose may issue the bonds of said township in sums of not exceeding five hundred dollars, payable in any one year at a rate of interest not exceeding eight per cent, and shall provide for the levying of all taxes needed for the payment of the interest and principal of the same.

This act is ordered to take immediate effect.

Approved May 11, 1883.

[No. 293.]

AN ACT to amend sections two, four, twelve, and fourteen, of an act entitled "An act to incorporate the village of Cedar Springs," approved March eighteenth, eighteen hundred and seventy-one, as amended by act number two hundred and sixty-nine, of the

session laws of eighteen hundred and seventy-seven, approved March twenty-second, eighteen hundred and seventy-seven.

SECTION 1. *The People of the State of Michigan enact, That* ^{Sections amended.} sections two, four, twelve, and fourteen, of an act entitled "An act to incorporate the village of Cedar Springs," approved March eighteenth, eighteen hundred and seventy-one, as amended by act number two hundred and seventy-nine, of the session laws of eighteen hundred and seventy-seven, be and the same are hereby amended so as to read as follows:

SEC. 2. The following officers of the corporation shall be elected ^{Elective officers.} by the qualified electors of said village at the annual village election to be held on the first Tuesday of April next, at the house of R. Fairchilds, in the village of Cedar Springs, viz.: One president, one recorder, one assessor, and six trustees. Three of said trustees shall be elected for one year, and three of said trustees shall be elected for two years; and on the first Monday of March, in the year eighteen hundred and eighty-four there shall be elected, by plurality of votes, one president, one treasurer, and one assessor, for the term of one year, and six trustees; two of said trustees shall be elected for one year; two of said trustees shall be elected for two years, and two trustees shall be elected for three years; and annually thereafter on the first Monday of March there shall be elected by plurality of votes, one president, one treasurer, and one assessor, who shall hold their respective offices for the term of one year and until their successors shall be elected and qualified, and two trustees, who shall hold their office for three years and until their successors shall be elected and qualified: *Provided,* That if any election of such officers shall not be made on said first Monday of March, it shall be lawful to hold such election at any time by giving notice thereof as provided in this act. ^{Proviso.}

SEC. 4. The common council shall appoint annually a village attorney, a village recorder, and a village marshal; the common council may also appoint an overseer or overseers of highways and all such officers whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and may prescribe their duties, but any such appointment shall be made at a regular meeting of the common council. ^{Appointive officers.}

SEC. 12. In case a vacancy shall occur in the office of president ^{Vacancies.} or trustee, the same shall be supplied by a special election, and in all other cases of vacancy the same may be supplied by appointment of the common council.

SEC. 14. The annual election shall be held on the first Monday ^{Elections.} of March in each year, and special elections may be held at such times as the common council shall by resolution entered upon their records designate.

This act is ordered to take immediate effect.

Approved May 11, 1883.

[No. 294.]

AN ACT to amend sections one, thirteen, one hundred and thirty-seven, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty, one hundred and forty-one, one hundred and forty-two, one hundred and forty-three, one hundred and forty-four, one hundred and forty-five, one hundred and forty-six, one hundred and forty-seven, one hundred and forty-eight, and one hundred and forty-nine, of act one hundred and forty-two, of the session laws of one thousand eight hundred and sixty-three, entitled "An act to revise the charter of the city of St. Clair," as amended, and to add eleven new sections thereto, to stand as sections two hundred and twenty, two hundred and twenty-one, two hundred and twenty-two, two hundred and twenty-three, two hundred and twenty-four, two hundred and twenty-five, two hundred and twenty-six, two hundred and twenty-seven, two hundred and twenty-eight, two hundred and twenty-nine, two hundred and thirty.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one hundred and thirty-seven, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty, one hundred and forty-one, one hundred and forty-two, one hundred and forty-three, one hundred and forty-four, one hundred and forty-five, one hundred and forty-six, one hundred and forty-seven, one hundred and forty-eight, and one hundred and forty-nine, of act number one hundred and forty-two, of the session laws of one thousand eight hundred and sixty-three, entitled "An act to revise the charter of the city of St. Clair," be amended to read as follows:

Territory incor-
porated.

SEC. 1. That all the district of country in the county of St. Clair, in the State of Michigan, embraced within the limits and constituting the present territory of the city of St. Clair, and hereinafter particularly described, is hereby constituted and still declared to be a city, by the name of the city of St. Clair, said district of country being bounded and described as follows, viz.: commencing at the northeast corner of the south part of fractional section number twenty-nine (29), in township number five (5) north, of range number seventeen (17) east, thence west on the quarter line across sections twenty-nine (29) and thirty (30) to the northwest corner of the south part of fractional sectional [section] thirty (30) in said township and range, thence south on the west line of said section thirty (30) to the north line of private claim number three hundred and five (305), thence along the north line of said private claim westerly to the northwest corner thereof, thence along the west line of said private claim southerly to the southwest corner thereof, thence along the south line of said private claim easterly to the southwest corner of private claim number three hundred and four (304), thence southerly along the west line of said private claim three hundred and four (304), to the northwest corner of out lot number fourteen (14), thence east along the north line of said out lot to the center of Pine river, thence along the center of said Pine river up stream to the northeast corner of out lot num-

ber seventeen (17), thence easterly along the north line of out lots seventeen (17) and nineteen (19) to the center of the river St. Clair, thence along said river northerly to the place of beginning; also all that part of private claim number three hundred and six (306) which lies north and east of the center of Pine river, and also the waters of Pine and St. Clair rivers within the above limits, and heretofore set off from the townships of St. Clair and China, and constituted the said city of St. Clair, and by which name it shall hereafter continue to be known.

SEC. 13. On the day of elections, held by virtue of this act, the ^{Time for keep-}
polls shall be opened in each ward, at the several places designated ^{ing polls open.}
by the common council, at eight o'clock in the morning, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed.

SEC. 137. Whenever the common council shall determine that <sup>Expense of
improvements,
how defrayed.</sup> the paving of any street, lane, or alley, or the doing of any work in exercise of the powers conferred by section one hundred and thirty-five of this act is a necessary public improvement, and that the whole or any part of the expense of such improvement should be borne by the lands and premises benefited by such improvement, they shall, except in the cases otherwise provided for in this charter so declare by resolution, and shall also by said resolution determine the estimated cost of such improvement, and the part or portion thereof which shall be defrayed by the city, and the part or portion which shall be defrayed by an assessment upon the lands and premises benefited thereby, and shall also fix by resolution the limits and boundaries of a special assessment district composed of the property that in the opinion of the common council will be benefited by such improvement.

SEC. 138. The city clerk on the passage of the resolution pre- ^{Assessment roll.}
scribed in the last preceding section shall, as soon as practicable and without delay, make out an assessment roll in which he shall describe the several lots and parcels of land situated within the said assessment district, and shall name the owners and occupants thereof, so far as he shall be able to ascertain the same, and he shall in said roll assess to each lot or parcel of land its due proportion of the total estimated cost of such improvement, according to the benefits to accrue to it therefrom: *Provided*, That in case the ^{Proviso.} assessment is for paving purposes, it shall be made in proportion to the number of feet frontage of the several lots upon the street, lane, or alley to be paved.

SEC. 139. When the said roll is completed the city clerk shall <sup>When roll com-
pleted, notice to
be given.</sup> give notice by at least two weekly publications in the official news-
paper of the city that such assessment has been completed, and will remain on file in his office subject to inspection by any person interested until a time therein named, which shall be not less than two weeks from the time of the first publication.

SEC. 140. Said roll shall remain in the said office for the time mentioned in said notice, and be subject to inspection by all persons interested, during which time any person interested may file with said city clerk, in writing, such objections as he may wish to make to said assessment roll, or any assessment thereon. <sup>Objections to
filed with city
clerk.</sup>

Certificate of
clerk to
be attached,
and roll referred
to common
council.

SEC. 141. At the expiration of the time of which notice has so been given, the city clerk, after making any needed revision, or correction of said roll, shall annex a certificate thereto that the same has been made out in accordance with the provisions of the charter, and shall thereupon report it to the common council, with such objections as have been filed, thereto.

Review of roll.

SEC. 142. The common council, at any regular meeting after the said roll is so reported to them, shall review the same, and severally consider the objections so filed with the city clerk, and may hear any evidence offered in reference to any objections so filed with the clerk, and may refer the said roll back to the said city clerk for further revision and correction, and when all of said objections have been so considered, and the council is satisfied with the said roll, it shall, by resolution, confirm the same.

When assess-
ments become a
lien.

SEC. 143. From and after such resolution and confirmation, the assessments in said roll shall constitute a lien until paid, upon said lots or parcels of land, and a personal charge against the owner or owners thereof.

When roll to be
delivered to
treasurer.

SEC. 144. After confirmation of any such roll, the city clerk shall annex thereto a certified copy of the resolution of confirmation, and deliver the same to the city treasurer, in whose office the same shall remain for thirty days. And it shall be the duty of the treasurer to give notice by at least two weekly publications in the official newspaper of the city that the roll has been received by him, and will remain in his office for thirty days from a date named in said notice, during which time the several assessments can be paid without any addition for collection, and that after the expiration of said thirty days an addition of two per cent will be made to such assessment.

Notice to be
given by treas-
urer.

SEC. 145. At the expiration of said thirty days, it shall be the duty of the treasurer to collect the various assessments appearing upon said roll, and remaining unpaid, together with two per cent additional as his fees for collection, by levy and distress of the goods and chattels of the persons owning any of the premises so assessed, in the manner provided by law in case of levy and sale on personal property by virtue of an execution issued by a court of justice, and in case sufficient personal property cannot be found within the county of St. Clair from which to make the amount of said tax, the said treasurer shall, within fifteen days after the expiration of said thirty days, give notice by publication in the official newspaper of said city, once in each week for four successive weeks, that if such assessments are not paid prior thereto, such real estate will be sold at public auction, at a time and place to be specified in said notice, for the lowest term of years for which any person shall offer to take the same in consideration of advancing and paying such assessments, with the two per cent addition and the costs of advertising and sale, and if default is made in such payment, the treasurer shall, at the time stated in such notice, or at such time as the same shall be adjourned to, make sale of the several pieces of real estate to the person or persons who will take the same for the lowest term of years, and make payment of said assessments,

Proceedings in
collection of, by
treasurer, etc.

per centage, and costs: *Provided, however,* That it shall be lawful *Proviso.* for the common council to remit in whole or in part, the taxes of such person or persons as may, in the judgment of such council, be properly exempted in accordance with the general law in relation to exemption from taxation.

SEC. 146. On making such sale the said treasurer shall certify his doings to the common council, and the council shall direct the mayor of the city to issue conveyances to the parties purchasing the several tracts and pieces of land, under the corporation seal, which conveyances, when so made, shall be *prima facie* evidence in all courts and places of the regularity of all proceedings under which such sale was made, and entitle the grantees named therein to have and hold possession of the premises named therein, for the length of time therein named, to the exclusion of all other persons whomsoever.

SEC. 147. The common council may, in its discretion, at the time of determining that any such proposed improvement is necessary, determine by resolution that the cost thereof shall be collected in installments, as follows: One-fourth thereof immediately succeeding the confirmation of the tax-roll, and one-fourth in one year, one-fourth in two years, and one-fourth in three years respectively, after such confirmation; in which case the city clerks shall so prepare said tax-roll as that the assessment of each of the years shall appear in a separate column, but interest shall be paid by the persons chargeable with such assessments, at the rate of seven per cent per annum, on all assessments subsequent to the first: *Pro-
vided,* That any person may pay any part or the whole of the assessments at any time after confirmation by the council.

SEC. 148. The assessments heretofore made upon property, within the said city of St. Clair, on account of the paving of Front street, Jay street, Laura street, Oakland avenue, and river road are hereby declared to be valid, and binding, and liens to the amount thereof on the several pieces of property assessed, and the tax-roll confirmed by the common council on the fifteenth day of August, in the year of our Lord one thousand eight hundred and eighty-two, on account of such paving, is in all things legalized, and the assessments shown thereon declared to be valid liens upon the property against which they appear, and the officers of said city are authorized to collect the same at the times mentioned in a resolution of the said common council made on the fifteenth day of August, in the year of our Lord one thousand eight hundred and eighty-two, and at any time hereafter, whenever any special assessment made pursuant to the foregoing provisions, or under any law now existing, shall, in the opinion of the common council be invalid, said common council may vacate and set the same aside; and when any such assessment shall be so vacated, or shall be held invalid by the judgment or decree of any court of competent jurisdiction, the common council may cause a new special assessment to be made for the purpose for which the original assessment was intended, in the manner provided by this act; and all the provisions of this act making special assessments a lien

*Conveyances to
purchasers at
tax sale.*

*Collection of
may be made in
installment.*

*Assessment and
assessment roll
declared valid
in certain cases.*

*Assessment may
be vacated, and
new assessment
made in certain
cases.*

upon the lots and parcels of real estate embraced therein, and also to those relating to the collection of special assessments shall apply to said re-assessments. In the preparation of any tax-roll in the case of re-assessment, due credit shall be given all persons who shall have paid any portion of the tax as assessed upon the original assessment roll.

**New assessment
in case of defici-
ency.**

SEC. 149. In case it shall occur that the amount originally assessed upon any assessment district was not sufficient to pay in full the costs and expenses of such improvement, including the portion paid by the city, if any, the common council may order a new assessment upon the lands and premises within the special assessment district before determined upon for the purpose of raising such deficiency, and in such case the roll shall be prepared and all proceedings had in the manner above herein provided, and like time shall be given for payment as was given for the original assessment.

Sections added.

SEC. 2. That there shall be added to said revised charter of said city of St. Clair eleven new sections, to stand as sections two hundred and twenty, two hundred and twenty-one, two hundred and twenty-two, two hundred and twenty-three, two hundred and twenty-four, two hundred and twenty-five, two hundred and twenty-six, two hundred and twenty-seven, two hundred and twenty-eight, two hundred and twenty-nine, and two hundred and thirty, and to read as follows:

**Construction and
maintenance of
water-works
authorized.**

SEC. 220. The said city of St. Clair shall have authority to construct and maintain water-works for the introduction of water into the city, and supplying the city and the inhabitants thereof with pure and wholesome water for the extinguishment of fires, the ordinary and extraordinary uses for dwellings, stores, shops, hotels, factories, manufacturing establishments, mills, public buildings, yards, streets, livery stables, barns, and all other buildings and establishments, and for such other purposes as the common council may prescribe.

**Acquisition of
property for, etc.**

SEC. 221. The said city may acquire, purchase, erect, and maintain such reservoirs, canals, aqueducts, sluices, buildings, engines, water wheels, pumps, hydraulics, machines, distributing pipes, and other apparatus, appurtenances, and machinery, and may acquire, purchase, appropriate, and own such grounds, real estate, rights, and privileges as may be necessary and proper for the construction and maintenance of such water-works.

**Borrowing
money and issu-
ing bonds for.**

SEC. 222. It shall be lawful for said city, subject to the provisions contained in its said charter, to borrow any sum of money to be used exclusively for the purpose of constructing and maintaining water-works as provided in the two preceding sections: *Provided*, That the total sum borrowed and raised by tax the first year shall not exceed five per cent of the assessed valuation of the city as contained in the last preceding assessment roll of the same: *And provided*, That not more than two and one-half per cent shall be borrowed during any one year thereafter, and the rate of interest shall not exceed seven per cent upon any indebtedness contracted under the provisions of said charter. The common council shall

Proviso.

Proviso.

have the power to fix the time and place of payment of the principal and interest voted under the provisions of this act, and to issue the bonds or other evidence of indebtedness of the city.

SEC. 223. Before any money shall be borrowed, appropriated, raised, or expended for the construction of water-works in the city, the common council shall cause to be made an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the city at its annual election, or at a special election called for that purpose by the common council, and shall be determined as a majority of the electors voting at such election by ballot shall decide.

SEC. 224. It shall be lawful for the common council, by the passage of proper ordinances, to provide for the appointment of a commission or board consisting of three members, to be known as the "board of water commissioners" of such city, the term of at least one member of which board shall expire yearly, to take the charge and management of such water-works, in the manner and to the extent which shall be provided in the ordinances of the city.

SEC. 225. The connecting or supplying pipes leading from buildings or yards to the distributing pipes, shall be inserted and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be inserted or connected with the main pipe until a permit therefor shall be obtained from the common council or such other authority as may be prescribed by ordinance. All such connecting or supply pipes shall be constructed and connected in the manner prescribed by ordinance, unless authority be given to the board of water commissioners to prescribe the manner of the construction and connecting thereof, in which case it shall be done as they may prescribe and direct.

SEC. 226. The common council, or the board of water commissioners, if authority be given them by ordinance for that purpose, shall establish a scale of rents to be charged and paid for supply of water, to be called "water rents," and appropriated to different classes of buildings in the city, with reference to their dimension, value, exposure to fires, ordinary or extraordinary uses, for dwellings, stores, shops, hotels, factories, livery stables, barns, and all other buildings, establishments, and trades, yards, number of families or occupants, or consumption of water, as near as may be practicable, and from time to time either modify, amend, increase or diminish such rents; and the common council may prescribe by ordinance when and to whom such water rents shall be paid, and what steps shall be taken to enforce payment thereof, and may provide in case of non-payment that the supply of water be shut off, or stopped, as to any person or persons neglecting or refusing to make such payment.

SEC. 227. The common council may enact such ordinances as may be necessary for the care, protection, preservation, and control of the water-works, and all the fixtures, appurtenances, apparatus, buildings and machinery connected therewith, or belonging thereto, and to carry into effect the provisions of this act, and the powers herein conferred in respect to the management and control of such water-works.

Estimates to be
made, and ques-
tion submitted
to vote.

Board of water
commissioners.

Connecting
pipes, etc.

Water rents.

General powers
of council in
reference to.

Works may be erected and maintained beyond corporate limits.

SEC. 228. When the common council shall deem it for the public interest, such water-works may be erected and maintained beyond the corporate limits of the city; and in such case the common council shall have authority to enforce beyond the corporate limits of the city within the said county of St. Clair, and over the buildings, machinery, and other property belonging to and connected with such water-works, in the same manner, and to the same extent as if they or it were within the city, all such ordinances and police regulations as may be necessary for the care, protection, preservation, management, and control thereof.

Use of streets, etc., for purposes of.

SEC. 229. For the purpose of constructing and maintaining such water-works, the city shall have the right to use the ground or soil under any street, highway, or road within the county, for the purpose of introducing water into and through any and all portions of the city, on condition that it shall cause the surface of such street, highway, or road to be relaid and restored to its usual state, and any damage done thereto to be restored and repaired, and such right shall be continuous for the purpose of repairing and relaying water pipes upon like condition.

Taking of private property for, etc.

SEC. 230. If it shall be necessary in the judgment of the common council to appropriate private property for the construction, erection, and maintenance of water-works as provided in this act, the right to occupy and hold the same and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided by the general laws of this State for the taking of private property for public use.

Ordered to take immediate effect.

Approved May 11, 1883.

[No. 295.]

AN ACT supplementary to act number two hundred and fifty-three of the session laws of eighteen hundred and sixty-nine, approved March six, eighteen hundred and sixty-nine, entitled "An act to provide for the improvement of the navigation of the Saginaw river."

Commissioners to make report, etc.

SECTION 1. *The People of the State of Michigan enact,* That it shall be the duty of the commissioners named in the second section of the act to which this is supplementary, on or before the first day of December, eighteen hundred and eighty-three, to make and state an account of their receipts and disbursements as such commissioners from and since the date of their last report, in which shall be set forth the amount of money received from all sources, stating from whom and when received; also a list of all disbursements, showing to whom and for what purpose paid, which report shall be verified by the officers making the same.

Commissioners to pay debts, and receive credits, dispose of assets, etc.

SEC. 2. Said commissioners shall settle and pay all outstanding claims legally existing and unpaid against the fund under their control, and shall sell and dispose of such property and securities as are now in their hands and belonging to said fund, and shall

then distribute and pay into the treasury of the city of East Saginaw and into the treasury of the townships of Carrollton and Zilwaukee all the moneys remaining in their hands ratably and in proportion to the amount paid by the said city of East Saginaw and the townships of Carrollton and Zilwaukee respectively, and thereupon the powers and duties of said commissioners under the act to which this is supplementary shall cease: *Provided*, That the powers conferred and duties devolving upon said commissioners by said act number two hundred and fifty-three of the session laws of eighteen hundred and sixty-nine, shall continue until December one, eighteen hundred and eighty-three.

Approved May 16, 1883.

[No. 296.]

AN ACT to provide for the taking of private property for the public use, and for the opening of streets and alleys by the city of East Saginaw.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of East Saginaw is hereby authorized to open, extend, widen, or straighten streets and alleys in said city for the public use and benefit, and to take private property therefor, and institute and prosecute proceedings for the purpose in accordance with the provisions of this act.

SEC. 2. Whenever the common council of the city of East Saginaw shall deem it necessary for the use and benefit of the public to make any such improvement, and to take private property therefor, said council shall, by resolution, so declare, and also describe such property, and designate the purpose for which it is to be taken, and fix and describe a special taxing district, embracing only the taxable real estate which, in the opinion of said council, will be benefited by such improvement. Said resolution shall direct the city attorney to institute proceedings in the recorder's court of said city to carry out the objects of such resolution.

SEC. 3. Upon the passage by the common council of such resolution, it shall be the duty of the city attorney to prepare and file, in the name of the city, in the recorder's court of said city, a petition, signed in the name of the city, by the city attorney, in his official capacity, which shall allege the passage of, and have annexed thereto a certified copy of said resolution; shall describe all the lots, tracts, and parcels of private property proposed to be taken or assessed, and set forth the names of the owners of such lots, tracts, and parcels respectively as far as the same can be ascertained from the records in the office of the register of deeds of Saginaw county, and shall allege that it is necessary to take such property for the public use and benefit; and pray that a jury may be empaneled to determine whether it is necessary to make such improvement, and to take such property for the public purpose therein stated, and to ascertain and fix the just compensation to be paid therefor, and to

Taking of private property for use of streets, etc.

Necessity for, to be determined by resolution of council.

City attorney to file petition on passage of resolution.

What petition to allege and set forth.

Prayer of.

assess and apportion the whole amount of the compensation awarded upon such portion of the taxable real estate within the assessment district as may be benefited by such improvement. The petition may pray for any other or further relief deemed necessary within the objects of this act.

Expense of
proceedings to
be paid by
city.

SEC. 4. All the expenses of the proceedings in opening, extending, widening, or straightening streets and alleys shall be paid by the city, and raised by a general tax to be levied and collected according to the provisions of the charter of the city.

Summons to be
issued against
respondents.

SEC. 5. Upon filing said petition it shall be the duty of the clerk of said court, upon request in writing of the city attorney, to issue a summons against the respondents named in the petition commanding them, in the name of the people of the State of Michigan, to appear before said court at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

Service of sum-
mons.

SEC. 6. Said summons shall be served by the marshal, captain of police, or sergeant of the city, at least five days before the return day thereof, upon all the respondents found within the county of Saginaw, by exhibiting the original and delivering a copy to each of them; and service of said summons upon all other respondents shall be made by publishing for five successive days a copy of such summons in at least one daily paper published in said city, to be designated by the judge of said recorder's court; the return of the marshal to said summons and affidavits showing due publication of said summons shall be filed in said court before a jury shall be empaneled, and be sufficient evidence of service on the respondents and of the manner of service, and thereafter all respondents shall take notice of and be bound by all subsequent proceedings without further notice.

Order for
empanelling a
jury.

SEC. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the court shall make an order that a jury be empaneled in the cause. Such jury shall be composed of resident freeholders of the municipality, and shall be selected and empaneled as hereinafter provided.

Jury list.

SEC. 8. On the first Tuesday of June in each year, between the hours of nine and twelve o'clock in the forenoon, the assessor of the city of East Saginaw, the clerk of said court, and the marshal of said city shall meet together in the office of the said assessor in said city, and shall then proceed in public to select from the last annual assessment roll of said city, which roll the custodian shall produce before them, a list of one hundred persons to serve as jurors in said court—the persons so selected to be qualified electors, of fair character, of sound mind, freeholders in said city of East Saginaw, and capable of understanding and speaking intelligibly the English language. Said list shall be signed by the said assessor, clerk, and marshal, if they all be present, and assist in the making thereof: *Provided*, That any two of them shall be authorized to select such list and sign the same in the absence of the third

Proviso.

Provided further, That if said list is not selected within the time above limited, or if for any reason a legal list shall not have been made, the judge of said court may, by his order, entered of record in said court, command the said assessor, clerk, and marshal to proceed forthwith to select said list and sign and file the same. When the list is selected and signed as aforesaid it shall be filed by the officers signing the same in the office of the clerk of said court, and the said assessor or the said clerk shall file with said list an affidavit that it has been drawn in accordance with the foregoing provisions. The persons whose names are set forth in said list shall be liable to serve as jurors in said court for one year or until a new list is selected. The practice and proceedings, except as provided in this section, relative to drawing, summoning, exempting, and excusing jurors and talesmen, and imposing penalties upon them for non-attendance, shall be the same as in the circuit courts of this State relative to petit jurors: *Provided further,* That the judge of said court shall have power to order the drawing of more than twenty-four jurors when he shall deem it necessary, not to exceed fifty jurors at any term. All talesmen who may be directed by the said judge to be summoned for the term shall be drawn from the jury box in the same manner as the original panel. Every person who shall directly or indirectly ask to be placed upon said list shall thereby render himself ineligible to serve as a juror in said court for one year thereafter, and his name shall in no case be placed upon such list during that period: *Provided further,* That the court may order the making of a new list of fifty names, as provided herein, to serve as jurors in any cases that may be tried before the said first Tuesday of June, eighteen hundred and eighty-three.

SEC. 9. Upon receiving such list, prepared and filed as aforesaid, the clerk of said court shall write the names of the persons thus selected on separate strips of paper of the same size and appearance, as near as may be; shall fold up each of said strips of paper in the same manner so as to conceal the name thereon, and deposit the same in a box to be called and labeled "East Saginaw city street opening jury box."

SEC. 10. No jury shall be drawn for any term without an order previously made by the court, and such order shall specify the number of jurors, not less than twenty-four nor more than fifty, to be drawn and the time they shall be summoned to attend. It shall thereupon be the duty of the clerk to draw the number of names ordered by the court from the street opening jury box, and at least two days before such drawing the said clerk shall give notice to the judge of said court and to the marshal of the day and hour when such drawing shall take place. At the time so appointed it shall be the duty of said judge and of the marshal or some policeman of said city to attend at the clerk's office and witness said drawing of jurors, and if neither said judge, marshal, or policeman be present at the appointed time, the clerk may adjourn such drawing to some certain hour on the next day, of which adjournment he shall forthwith give notice to said judge and marshal. If at the time first Drawing.

Further proviso
in reference to
jury list.

Further proviso.

Further proviso.

Depositing of
names in box.

Order of court
for drawing
jury.

Drawing of jury.

Notice of, to be
given.

Who shall
attend and wit-
ness drawing.

In case of fail-
ure to attend.

appointed for such drawing or at the adjourned time therefor either said judge, marshal, or policeman shall be present, the clerk shall proceed to draw from said box publicly and in the presence of the officer or officers attending, as many strips of paper containing the names of jurors written thereon as may have been ordered by the court, and one of the attending officers shall keep a minute of such drawing in which he shall enter the name of every strip of paper drawn before any other such strip be drawn. The said minute of the drawing shall then be signed by the clerk of said court and the attending officers and filed by the clerk in his office, and he shall immediately make out a *venire facias* and deliver the same to the marshal of said city, which shall command him or any policeman of said city to summon the persons named therein to be and appear in said court at the terms thereof for which they were drawn to serve as street opening jurors, and not depart the same until discharged, under such penalty as the court may impose. Said *venire facias* shall be served at least three days before the term of the court therein specified by giving personal notice to each person therein named or by leaving a written notice at his place of residence with some person of proper age, and return thereof shall be made to said court at its opening, specifying those who were summoned and the manner in which each person was notified. All talesmen who may be directed by the said judge to be summoned for the term shall be drawn from the jury box in the same manner as the original panel. In empaneling a jury the practice and proceedings relative to empaneling, exempting, and excusing jurors and talesmen, and imposing penalties upon them for non-attendance, shall be the same as in the circuit courts of this State relative to petit jurors. Whenever there shall not be qualified jurors enough present to form a panel in any case, the panel may be filled up in the same manner as a panel of petit jurors is filled up in a like case in said circuit courts. If any juror, after being sworn, shall die, or for any other cause become unable to discharge his duties, the court may appoint another qualified person to serve in his place, who shall be sworn and take his place upon the jury.

SEC. 11. Every jury empaneled in any cause shall be sworn as follows: You do solemnly swear (or affirm) that in the matter of _____ that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement, and for taking for the use and benefit of the public the private property which the petition describes and prays may be taken, and if you determine that it is necessary, then that you ascertain, determine, and award the just compensation to be made therefor, and assess upon the property in the assessment district described in the petition, all the damages so awarded, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court, a true verdict give, according to law and the evidence, so help you God. They shall hear the proof and allegations of the parties, and the arguments of counsel, and, if so ordered by the court, shall go to the place of the intended improvement in charge of an

officer, and upon, or as near as practicable to any property proposed to be taken, or assessed, and examine the premises. They shall be instructed as to their duties and the law of the case, by the court, and shall retire under the charge of an officer, and render their verdict in the same manner as on the trial of any ordinary civil case: *Provided*, That the court in its discretion may permit the jury to leave the jury room a sufficient length of time to obtain their meals and sleep at their respective homes.

SEC. 12. The jury shall determine in their verdict the public necessity for the proposed improvement, and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find that such necessity exists, they shall award to the owners of said property such compensation therefor as they shall deem just, and shall assess and apportion the whole amount of the compensation to be paid for the private property taken, upon such portion of the taxable lots and parcels and subdivisions of real estate within the assessment district fixed by the common council that will be benefited by the improvement, in proportion, as nearly as may be, to the benefits they will receive: *Provided*, That if any lot or parcel of land in the assessment district is not actually benefited, it shall not be assessed. If any such private property taken shall be subject to a valid mortgage, lease or agreement, and the taking thereof for such purpose will impair such security, lease, or agreement, the jury shall apportion and award to the owner of said mortgage, lessee, or person interested in said agreement, such portion of the compensation as they shall deem just, and if there are any buildings, or other personal property situated on the land taken, the jury may, at the request of the owner, allow, instead of damages for the value, damages and expenses for the removal thereof. The damages for taking any land belonging to the estate of any deceased person, shall be awarded to said estate, and shall be paid to the executor or administrator of said estate, or if there is no such executor or administrator, or he cannot be found, it shall be deposited in the city treasury to the credit of said estate, and be paid to the person entitled to receive the same.

SEC. 13. To assist the jury in arriving at the verdict, the court may allow the jury, when they retire, to take with them the petition filed in the case, and maps showing the proposed improvement, and the assessment district, and the location of each and all the parcels of property to be taken or assessed, with the names of all parties interested in such property, and may also submit to them a blank verdict, which may be as follows:

PART I.

We, the undersigned jury, impaneled in the above matter, and having given the same due consideration, do hereby find and determine that it is necessary to _____ said _____ as proposed for the public use and benefit as a public _____ and that for said use and benefit and

To receive instructions.

What jury to determine in verdict.

Jury may take petition, maps, etc., when they retire.

Blank to be furnished.

purpose it is necessary to take the private property described in the petition in this cause, which said property is hereinafter also described.

PART II.

And the damages sustained and the just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners and others interested in each parcel.	Compensation and damages.
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----

PART III.

And the benefits to be received from such improvement by the property within the assessment district we hereby determine to be as follows:

Description of each of the several parcels of property to be assessed.	Owners of each parcel.	Benefits.
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----

The different descriptions of property and the names of the owners and others interested therein may be inserted in said blank verdict, under the direction of the court, before it is submitted to the jury.

Setting aside
verdict, ordering
new trial, etc.

SEC. 14. The verdict of the jury may be set aside by the court and a new trial ordered for objections of law and to matters of substance, but not for objections as to matters of form, in the same manner and on the same grounds as in ordinary civil actions in the circuit courts of this State; and amendments, either in form or substance, of the petition, process, and proceedings, may be

allowed when they will not interfere with the substantial rights of the parties. And if by such amendment new parties to the proceedings are added, a new summons may be issued to bring in such additional parties, and when any such further summons is issued the proceedings shall be adjourned by the court a sufficient length of time, not less than six days, to enable such summons to be served, which summons shall be made returnable on the day to which the case is adjourned, but shall be served at least three days previous thereto. The court may refer back to the same jury the verdict for the purpose of correcting all errors therein contained. Rules of practice of the recorder's court shall be followed as near as may be in all proceedings under this act.

SEC. 15. Motions for a new trial or to arrest the proceedings shall be made within two days after the rendition of the verdict, unless further time is allowed by the court, and if no such motion is made, or being made is overruled, the court shall enter an order confirming the verdict of the jury, and such judgment or confirmation, unless reversed by the supreme court, shall be final and conclusive as to all persons interested therein. The compensation assessed by the jury upon any lot or parcel of land shall be a lien thereon from the time of such confirmation until paid and satisfied.

SEC. 16. Any person whose property may be taken or assessed, considering himself aggrieved, may appeal from the judgment of the court confirming the verdict of the jury, by filing in writing with the clerk of said court a notice of such appeal, within five days after the confirmation, and serving within the same time a copy thereof on the city attorney, and filing a bond in said court, to be approved by the judge thereof, conditioned for the prosecution of said appeal and the payment of the sum assessed against the appellant, and all costs that may be awarded against him, in case the judgment and confirmation of the court shall be affirmed.

SEC. 17. In case of appeals as above it shall be the duty of the clerk of the court, without delay, to transmit to the supreme court a certified copy of all the files, records, and proceedings in the case. And it shall be the duty of the judge of the court, at the request of the appellant, to settle and sign a case showing the testimony taken on the trial, the objections, rulings, and exceptions concerning the same; and the instructions of the court to the jury, with the exceptions thereto; and the same shall be returned by the clerk as a part of the record in the case.

SEC. 18. The said appeal may be brought on for hearing at any term of the supreme court, and said court may affirm or reverse the proceedings, and may grant a new trial. The said court shall allow the prevailing party his reasonable costs and expenses to be taxed, and all costs and expenses awarded to the city may be applied on or deducted from the compensation, if any, to be paid to the appellant.

SEC. 19. When the verdict of the jury shall have been finally confirmed by the court, and the time in which to take an appeal has expired, or if an appeal is taken, on the filing in the court

below of a certified copy of the order of the supreme court, affirming the judgment of confirmation, it shall be the duty of the clerk of the court below to transmit to the common council a certified copy of the verdict of the jury, and of the judgment of confirmation, and of the order, if any, allowing and taxing the costs and

Common council expenses; and thereupon the common council shall, by resolution, to direct collection of benefits, etc., by treasurer.

Collection of, etc. direct the treasurer of said city to collect the benefits and the costs and expenses assessed by the court and jury, and a certified copy of such resolution shall be annexed to the record transmitted by the clerk of the court, and the same shall then be delivered to said treasurer. If such assessments are not paid or tendered to the treasurer within thirty days after the passage of such resolution, he shall proceed to sell the property assessed in the same manner as is provided by law for the sale of real estate upon execution, and with the same force and effect.

Payment or tender of compensation and damages to persons entitled to same. SEC. 20. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation shall on appeal be affirmed, the common council shall cause the city treasurer to pay or tender to the respective persons entitled to receive the same, the damages and compensation awarded for taking such private property, according to the verdict of the jury as finally confirmed; and in case any person shall refuse the same, be unknown or a non-resident of said city, or cannot with reasonable diligence be found in said city, or for any reason be incapacitated from receiving his amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case in the city treasury, and shall on demand pay the same over to any person entitled and competent to receive it, taking receipt therefor. Upon such payment, tender, or deposit, the common council may enter upon, take possession of, and convert such private property to the uses and purposes for which it was taken, and may remove all buildings, fences, and other obstructions therefrom. The treasurer shall make a certificate, verified by his oath, showing his action in making such payment, tender, or deposit, and shall file the same with the clerk of the recorder's court, and it shall be *prima facie* evidence of the facts therein stated.

Buildings, fences, etc., to become property of city. SEC. 21. All buildings, fences, and other personal property taken by such proceedings in street opening cases, except that removed by the owner, as otherwise provided, shall become the property of the city, and shall be sold at auction by the city treasurer. Due publication of such sales shall be made in at least two daily newspapers in said city for at least five days, and printed notices posted on or near such property at least ten days prior to the day of sale. The proceeds of all such sales shall be paid into and become a part of the street opening fund.

Fees of jurors and witnesses. SEC. 22. Jurors and witnesses in any proceedings under this act shall be entitled to receive from the city the same fees and compensation as are provided by law for similar services in an ordinary action at law in the circuit courts of the State.

Council not to discontinue after verdict rendered, etc. SEC. 23. The common council shall not have power to discontinue proceedings under this act after the rendition of the verdict

of the jury, but they may direct the city attorney to move for a new trial, or to arrest the proceedings, or to take an appeal to the supreme court, and in any such case the same proceedings shall be had as are hereinbefore prescribed in the case of like proceedings on the part of any respondent.

SEC. 24. Before the trial in any proceeding under this act the common council shall cause the property to be taken to be surveyed and staked out, or otherwise marked upon the premises, and shall cause a map or plan thereof, and of the assessment district, certified to be correct by the city surveyor or person making the same, to be prepared, to be attached to and made a part of the petition herein provided for, the same to be subject to alteration and correction under the direction of the court. The common council, in all cases where there shall be a special assessment, shall have authority to advance the sums awarded to the owners or occupants of, or others interested in, the property to be taken, and there shall in all cases be deducted from such sums any assessment for benefits made against the property of said owners and others interested respectively. At any sale under this act of the property assessed, the city attorney, or in his absence the city treasurer, shall have authority to bid in for the corporation any parcel of land for which there shall be no bid from other parties sufficient to cover the amount due from such parcel, including its ratable proportion of the costs and expenses of making such sale, and on any such bid the corporation shall be entitled to all the rights of any other purchaser.

SEC. 25. All proceedings begun and undetermined in said city under any act authorizing such proceedings shall not be affected by this act, but may be completed in all respects in accordance with the provisions of this act.

This act is ordered to take immediate effect.

Approved May 16, 1883.

[No. 297.]

AN ACT to amend section one of an act entitled "An act for the relief of the Washtenaw county agricultural and horticultural society," approved March fifteen, eighteen hundred and eighty-two.

SECTION 1. *The People of the State of Michigan enact,* That section one of an act entitled "An act for the relief of the Washtenaw county agricultural and horticultural society," approved March fifteen, eighteen hundred and eighty-two, be and the same is hereby amended so as to read as follows:

SEC. 1. *The People of the State of Michigan enact,* That the president, secretary, and treasurer of said Washtenaw county agricultural and horticultural society are hereby authorized to mortgage the real estate now held and owned, or hereafter purchased by said society to secure the payment of such sum or sums of money

Council to cause survey, map, plan, etc., to be made.

Advances to owners, etc., to whom awards have been made.

Bids for city, by whom made.

Undetermined proceedings to be completed under this act.

Section amended.

Mortgage of real estate or society authorized.

as they may have borrowed and used in paying indebtedness contracted in aid of said society, or may hereafter borrow and use in the payment of such indebtedness, or in the purchase of other real estate as by section two (2) of said act authorized, not to exceed four thousand dollars, and at a rate of interest not to exceed seven per cent per annum, which mortgage when properly executed shall be good and valid according to the conditions therein recited, and foreclosures and sale in case of the non-payment of the moneys so secured by said mortgage may be made in like manner as upon individual mortgages on real estate.

This act is ordered to take immediate effect.

Approved May 16, 1883.

[No. 298.]

AN ACT to amend section two of title six of an act entitled "An act to revise the charter of the city of Grand Rapids, being amendatory of 'An act to incorporate the city of Grand Rapids,' approved April two, eighteen hundred and fifty, as amended by the several acts amendatory thereof," approved March twenty-nine, eighteen hundred and seventy-seven, as amended by section six of act three hundred and sixty-five, of the local acts of eighteen hundred and eighty-one, approved April twenty-nine, eighteen hundred and eighty-one.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section two of title six of an act entitled "An act to revise the charter of the city of Grand Rapids, being amendatory of 'An act to incorporate the city of Grand Rapids,' approved April two, eighteen hundred and fifty, as amended by the several acts amendatory thereof," approved March twenty-nine, eighteen hundred and seventy-seven, as amended by section six of act three hundred and sixty-five, of the local acts of eighteen hundred and eighty-one, approved April twenty-nine, eighteen hundred and eighty-one, be and the same is hereby amended so as to read as follows:

Board empow-
ered to grade,
repair, etc.,
streets.

SEC. 2. The board of public works of said city shall have power and are empowered to grade, gravel, raise, level, repair, amend, pave, or cover with broken or pounded stone, plank, or other material, all streets, alleys, lanes, highways, public grounds, or sidewalks in said city, and such designated portions of any street, alley, lane, or highway in said city, as the common council, by a majority vote of all the members elect, shall by resolution declare to be a necessary public improvement, whether the same has previously been graded, graveled, raised, leveled, repaired, amended, paved, or covered as aforesaid or not: *Provided*, That the common council shall not have authority to declare the grading or paving of the whole of any street, lane, alley, or highway a necessary public improvement unless it shall have been petitioned so to do by the owners of a majority of all the property on said street, lane, alley, or highway, or designated portion thereof proposed to be

Proviso in refer-
ence to petition
for.

improved, residing in the city of Grand Rapids, after the grade shall have been established and expense estimated as aforesaid; but this proviso shall not apply when said common council shall by a unanimous vote of all the members elect declare such grading or paving a necessary public improvement: *Provided further,* That in all cases in which the grade of any street has been established, and said street has been graded by the proper authorities of said city, and the grade thereof shall be afterwards altered by the city, the owners of any lot or parcel of land who shall be injured by such alteration of said grade shall be entitled to compensation therefor, and it shall be the duty of said common council to cause a jury of five freeholders to be drawn to determine and assess the damages which such person may sustain, and the common council shall cause such damages to be assessed and collected in the same manner as other taxes on the taxable property of said city, and to be paid to the person to whom they have been awarded: *Provided,* That no person who shall have signed a petition to the common council to alter such grade shall be entitled to any compensation, but by signing such petition shall waive the same.

Proviso in reference to streets where grade already established.

This act is ordered to take immediate effect.

Approved May 16, 1883.

[No. 299.]

AN ACT to incorporate the village of Sparta.

SECTION 1. *The People of the State of Michigan enact,* That the following lands and territory in the township of Sparta, in Kent county, and described as follows, to wit: the northwest quarter ($\frac{1}{4}$) of section twenty-three (23), the northeast quarter ($\frac{1}{4}$) of section twenty-two (22), the southeast quarter ($\frac{1}{4}$) of section fifteen (15), and the southwest quarter ($\frac{1}{4}$) of section fourteen (14), all being in township numbered nine (9) north, of range numbered twelve (12) west, be and the same is hereby constituted a village corporate by the name of the village of Sparta.

SEC. 2. The first election for officers of said village shall be held on the third Tuesday in June in the year one thousand eight hundred and eighty-three, at the town hall in said village, notice of which shall be posted in three public places in said village, by the board of registration hereinafter appointed, at least ten days previous thereto.

SEC. 3. Lyman Murray, Lorenzo N. Denison, and Israel Smith are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and the said board of registration are hereby required to meet on the Saturday preceding the third Tuesday in June, one thousand eight hundred and eighty-three aforesaid, and register all persons presenting themselves for registration, and having the qualifications of voters at annual township meetings, and shall meet at the town hall aforesaid, for the purpose of registering said voters as aforesaid,

First election of officers.

Board of registration for first election.

Meeting of.

Notice of meeting.

due notice of which shall be given by said board in the same manner and time as provided in the preceding section.

General law governing.

SEC. 4. The said village of Sparta shall in all things not herein otherwise provided, be governed by and its powers and duties defined by "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereof and supplementary thereto.

Further provision for election.

SEC. 5. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be had at any time within one year from the time designated in said section two of this act, on notice being given as provided by section two of this act.

This act is ordered to take immediate effect.

Approved May 16, 1883.

[No. 300.]

AN ACT to amend section five of article six of an act to revise the charter of the village of Allegan, being act number two hundred and forty-five, approved March two, eighteen hundred and sixty-nine, and to add to said charter a new article entitled article thirty.

**Act amended,
and new section
added.**

SECTION 1. *The People of the State of Michigan enact,* That an act entitled "An act to revise the charter of the village of Allegan," approved March second, eighteen hundred and sixty-nine, be amended by adding thereto a new article to be called article thirty, and by amending section five of article six, so that the same may read as follows:

ARTICLE VI.

Taking of private property for certain purposes.

SECTION 5. The board of trustees may take the land of any individual for the purpose of constructing, widening, or extending any highway, street, alley, lane, ditch, drain, or sewer, or for the purpose of laying or extending the water pipes or mains of the village, but not until such individual be paid therefor as provided for in article nineteen of this act.

ARTICLE XXX.

Prosecutions for violations of ordinances.

SECTION 1. Prosecutions for violation of the ordinances and by-laws of said village shall be commenced within two years after the commission of the offense, and shall be brought before some justice of the peace of the township of Allegan; such justice shall have authority to hear, try, and determine all causes and suits arising under the ordinances and by-laws of the village, and to inflict punishment for the violations thereof, as provided in the ordinances.

SEC. 2. Whenever a penalty shall be incurred for the violation of any ordinance or by-law, and no provision shall be made for the imprisonment of the offender upon conviction thereof, such penalty may be recovered in an action of debt or in assumpsit; and when a corporation shall incur a penalty for the violation of any such ordinance or by-law, the same shall be sued for in one of the actions aforesaid. Prosecutions for violations of the ordinances and by-laws of the village may in all cases except against corporations be commenced by warrant for the arrest of the offender. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of and be substantially of the form and be issued upon complaint made as provided by law in criminal cases cognizable by justices of the peace, and the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgments and the execution thereof shall, except as otherwise provided, be governed by and conform as nearly as may be to the provision of law regulating the proceedings in criminal causes by justices of the peace.

SEC. 3. It shall not be necessary in any suit, proceeding, or prosecution for the violation of any ordinance, or by-law, to state or set forth such ordinance or by-law, or any of the provisions thereof, in any complaint, warrant, process, or pleading therein, but the same shall be deemed sufficiently set forth or stated by reciting its title, and the date of its passage, adoption, or approval, and shall be a sufficient statement of the cause of action in any such complaint, or warrant to set forth substantially, and with reasonable certainty as to time and place the act or offense complained of, and allege the same to be in violation of an ordinance, or by-law of the village, referring thereto by its title and the date of its passage, adoption, or approval. In all prosecutions for violations of the ordinances or by-laws of the village, either party may require a trial by jury.

SEC. 4. In all suits commenced by warrant, for the violation of any ordinance or by-law of said village, and in all suits to which the village may be a party, brought to recover any penalty for such violation, either party may remove the judgment and proceedings into the circuit court for the county of Allegan, by appeal or writ of *certiorari*, and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and *certiorari* in criminal cases cognizable by justices of the peace, if the case was commenced by warrant, and in all other cases the proceedings shall be as in cases of appeal and *certiorari* in civil suits, except that the village shall not be required to give any bond or security thereon.

SEC. 5. The board of trustees may provide and maintain a village prison and such watch or station houses as may be necessary and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the village and for the employment of those imprisoned therein, but until such prison is built the village shall be allowed the use of the common

Recovery of
penalty for vio-
lations of ordi-
nances.

Prosecutions for
commenced by
warrant.
Warrant, form-
of and proceed-
ings under.

How ordinances,
by-laws, etc., to
be set forth in
warrant, process,
pleadings, etc.

Trial by jury.

Appeal, etc., to
circuit court.

Village prison,
watch house,
etc., and employ-
ment of persons
confined therein.

jail of the county of Allegan, as provided in section one of article twenty-seven. All persons sentenced to confinement in such prison and all persons imprisoned therein on execution for non-payment of fines, for violation of the ordinances of the village, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the trustees may provide.

*Fines, penalties,
etc., and dispo-
sition thereof.*

*Report of jus-
tice.*

*In case of neg-
lect to pay over
fines, etc., col-
lected.*

SEC. 6. All fines, penalties, and forfeitures recovered before any justice of the peace, for the violation of any of the ordinances or by-laws of said village, shall be paid into the village treasury. Any justice receiving any such fine or penalty shall report to the board of trustees at the first regular meeting thereof in each month, the number and name of every person against whom judgment shall have been rendered for such fine, penalty, or forfeiture, and all moneys by him received for or on account thereof, and such report shall be on oath, which moneys so received or which may be in his hands, collected on such fines, penalties, or forfeitures shall be paid into the village treasury on the first Monday of each and every month, and take the treasurer's receipt therefor and file the same with the village clerk.

SEC. 7. If any person who shall have received any such fine or any part thereof shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the board of trustees to cause suit to be commenced immediately therefor, in the name of the village of Allegan, and to prosecute the same to effect. Any person receiving any such fine who shall willfully neglect or refuse to pay over the same as required by the foregoing provisions shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

Ordered to take immediate effect.

Approved May 16, 1883.

[No. 301.]

AN AUT to attach certain territory to the village of Birmingham.

*Territory
attached to vil-
lage of Birming-
ham.*

SECTION 1. *The People of the State of Michigan enact,* That all that portion of section twenty-five, in the township of Bloomfield, in Oakland county, and described as follows, to-wit: Commencing at a post ten chains and eight links east from the southwest corner of the northwest quarter, thence north three chains to a post, thence west six chains seventy-five links to a post, thence south three chains to a post, thence east six chains and seventy-five links to the place of beginning, containing two acres and four square rods of ground, the same being known and used as a cemetery. Also a strip of land twenty feet wide, lying north of the south line of said cemetery, extended east to the Saginaw turnpike, now used and occupied as a way between said turnpike and said cemetery, be, and the same is hereby attached to the village of Birmingham.

This act is ordered to take immediate effect.

Approved May 18, 1883.

[No. 302.]

AN ACT to amend sections one and two, of act number two hundred and sixty-five of the session laws of eighteen hundred and seventy-one, entitled "An act to incorporate the village of Dundee."

SECTION 1. *The People of the State of Michigan enact,* That sections one and two of act number two hundred and sixty-five of the session laws of eighteen hundred and seventy-one, entitled "An act to incorporate the village of Dundee," be amended so as to read as follows:

SECTION 1. That all that tract of country situate in the township of Dundee, in the county of Monroe, and State of Michigan, known and described as follows, to-wit: The southeast fractional quarter of section thirteen, and the east half of the southwest quarter of section thirteen, and the north half of the northeast quarter of section twenty-four, and the northeast quarter of the northwest quarter of section twenty-four, all in township six south, of range six east, and also the west half of the southwest quarter of section eighteen, and the west one-fourth of the east half of the southwest quarter of section eighteen, and the west five-eighths of the northwest quarter of the northwest quarter of section nineteen, in township six south, of range seven east, be and the same is hereby constituted a village corporation by the name of the village of Dundee.

SEC. 2. The inhabitants of said village, having the qualifications of electors under the constitution of the State of Michigan, shall meet at the office of H. Watling, in said village, on the third Monday of April next, and on the third Monday of April annually thereafter, at such place as shall be designated by the common council of said village, and then and there proceed by a plurality of votes to elect by ballot from among the qualified electors residing in said village, one president, one recorder, one treasurer, one marshal, one street commissioner, and one assessor, who shall hold their offices for one year and until their successors are elected and qualified. There shall also be elected at the first election in said village six trustees, three of whom shall hold their offices for the term of two years, and three for the term of one year, and the term of each shall be designated upon the ballot, and annually thereafter three trustees shall be elected who shall hold their offices for two years: *Provided*, That if any election of such officers shall not be made on the day provided for in this act the said corporation for that reason shall not be deemed to be dissolved, but it shall and may be lawful to hold such election at any time thereafter pursuant to public notice to be given in the manner herein-after described.

This act is ordered to take immediate effect.

Approved May 18, 1883.

[No. 303.]

AN ACT to authorize the township board of the township of Breitung, in the county of Menominee, to maintain a fire department in the unincorporated villages of Quinnesec and Iron Mountain, in said township, and to authorize the appropriation of certain moneys to the payment of the expenses thereof.

Township board
authorized to
establish fire
department, etc.

SECTION 1. *The People of the State of Michigan enact,* That the township board of the township of Breitung, in the county of Menominee, is hereby authorized to construct a fire department for the safety against fire of the villages of Quinnesec and Iron Mountain, in said township, by constructing water-works, laying water pipe, and doing other work necessary thereto, and to make and establish rules and regulations for the government and management thereof, and such other acts relating thereto as are in the judgment of said board necessary.

Expenses of,
how paid.

SEC. 2. For the payment of the expenses incident to maintaining said fire department the said township board are hereby authorized to appropriate such moneys as shall be deemed necessary by them from the contingent fund of said township.

This act is ordered to take immediate effect.

Approved May 18, 1883.

[No. 304.]

AN ACT to provide for the management of cemeteries owned and to be owned by the city of Grand Rapids.

Common council
may purchase,
etc., land, for
cemetery pur-
poses.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Grand Rapids shall have power to purchase and hold land for cemetery purposes, either within or without the city limits, and may and shall ordain appropriate names for such cemeteries.

Boundaries
attested and
recorded.

SEC. 2. The metes and boundaries of such lands and any additions thereto shall be attested by the signatures of the mayor and city clerk, and recorded in the office of the register of deeds for Kent county, and be forever dedicated to cemetery purposes.

Board of ceme-
tery commis-
sioners.

SEC. 3. All such lands, together with all those previous to the passage of this act, owned by the city of Grand Rapids, and dedicated to cemetery uses, together with all properties, buildings, and improvements of every kind connected therewith, shall be under the exclusive control of three commissioners, who shall constitute a board of commissioners, to be known as "the cemetery commissioners of the city of Grand Rapids," who shall be elected in the manner as follows:

Commissioners
to be elected by
council, on nom-
ination of
mayor.

SEC. 4. On the first Monday in May after the passage of this act, or as soon as possible thereafter, the mayor of the city of Grand Rapids shall nominate, and by and with the advice and consent of a majority of all the members elect of the common council of said

city, shall appoint three commissioners of city cemeteries, who shall hold their office, one for one year, one for two years, and one for three years, and until their successors are appointed and qualified, and on the first Monday in May in each year thereafter, or as soon after said first Monday in May as possible, there shall be nominated by the mayor of said city, and appointed in like manner, one commissioner of city cemeteries, who shall hold his office for three years and until his successor is appointed and qualified, which said three commissioners shall constitute a board of commissioners to be known as "the cemetery commissioners of the city of Grand Rapids," as hereinafter specified. Vacancies in said board shall be filled in the same manner, and said commissioners may be removed from office for the same causes and in the same mode as is provided in the existing charter of the city of Grand Rapids, for filling vacancies and removing from office in cases where the officer is appointed by said common council. Each commissioner before he enters upon the duties of his office shall take and subscribe the constitutional oath of office, which shall be filed in the office of the city clerk of said city.

SEC. 5. "The board of cemetery commissioners of the city of Grand Rapids" shall have exclusive care, custody, and management of all property upon the grounds, and shall employ superintendents and such sextons and laborers as they may deem proper, and may regulate their compensation and services.

SEC. 6. They shall cause suitable surveys and maps to be made and perfected of all the grounds, roadways, walks, lots, and reservations, and shall regulate the sales and prices of lots and interments, and shall make such improvements and such regulations for the use and protection of the cemeteries respectively, as they shall deem proper, in no case, however, being allowed to charge a fee to visitors.

SEC. 7. The said board of commissioners shall cause a fund to be provided from the receipts of the cemeteries by appropriating annually not less than ten (10) per cent of the gross receipts which shall constitute a repair fund, but shall not exceed fifty thousand dollars. Said board of cemetery commissioners shall invest said moneys, and the interest thereof shall be applied solely to the repairing of roadways, water appliances, walks, hillsides, drains, monuments, abandoned lots, and public grounds, and buildings within cemetery bounds, and such repair fund shall never, under any pretext or evasion, be diverted from this declared purpose, and shall be used in full annually as above directed.

SEC. 8. It shall be lawful for the common council, for the purpose of providing the commissioners with funds, for permanent buildings and special improvements now needed, until funds can be collected from the sale of lots, to advance the required funds from the general moneys of the city, or to borrow the same, not to exceed the sum of ten thousand dollars, and it shall be the duty of the said board of commissioners, whenever any money shall be loaned or advanced by said city, to aid in making such permanent improvement, to deposit quarterly with the city treasurer twenty-five per

Common council
may advance
moneys, etc.

Shall cause
maps, surveys,
etc., to be made.

Board to have
control of prop-
erty.

Term of office.

Vacancies and
removals from
office.

Oath of office.

Sinking fund. cent of the gross receipts, from the sale of lots, to create a sinking fund for the repayment of the sum loaned or advanced.

Money to be paid city treasurer. SEC. 9. The commissioners aforesaid shall pay to the city treasurer, and the city treasurer shall receive all moneys from the sale of lots and other sources, and also all penalties collected for violations of city ordinances relating to cemeteries, and shall pay all expenses incurred by the board of cemetery commissioners, upon orders drawn upon him signed by two or more commissioners.

By whom conveyances signed, etc. SEC. 10. All deeds and conveyances of lots shall be executed by the mayor and city clerk, and countersigned by the city treasurer, and recorded in the city clerk's office.

Compensation of commissioners. SEC. 11. The cemetery commissioners created by this act shall receive such compensation as the common council shall direct for their services, not to exceed, however, the sum of one hundred dollars per annum, and shall make a report, under oath, to the common council on the first Monday in September in the year eighteen hundred and eighty-three, and quarterly thereafter, of their receipts and expenditures, and of all matters committed to their charge.

Enforcement of liens, etc. SEC. 12. The city of Grand Rapids shall have police jurisdiction for the enforcement of law, and the rules of commissioners within the boundaries of its cemeteries, and to that end may adopt ordinances and provide for the imposition of penalties for a violation thereof.

Lots exempt from taxation, etc. SEC. 13. The cemetery properties of the city of Grand Rapids, and all lots and plats therein which have been, or shall hereafter be conveyed by the corporation of said city, as places of burial of the dead, shall forever be exempt from taxation and for assessments for the improvement thereof or for any purpose whatever, and shall not be liable to be sold on execution or to be applied to the payment of debts, by any assignment under any insolvent law, or by any compulsory process of law.

Lots for the burial of poor, etc. SEC. 14. The board of cemetery commissioners shall assign and set apart suitable plats of ground for the burial of the poor and shall creditably care for and beautify the same, and shall cause interments to be made therein, to be paid for out of the poor fund of the city. They shall provide a plat of ground and care for the same, wherein single interment permits shall be sold at a purchase price not to exceed ten dollars.

Acts repealed. SEC. 15. All acts and parts of acts, and all provisions of the existing charter of the city of Grand Rapids, inconsistent with the provisions of this act are hereby repealed, but this act shall in no wise affect existing contracts entered into by the former commissioner or commissioners of city cemeteries in the city of Grand Rapids, nor impair or in any wise affect any vested interest in said cemeteries or any part thereof.

This act is ordered to take immediate effect.

Approved May 18, 1883.

[No. 305.]

AN ACT to re-incorporate the village of Vicksburg.

SECTION 1. *The People of the State of Michigan enact,* That all territory incorporated, that tract of land situate in the townships of Brady and Schoolcraft, in the county of Kalamazoo and the State of Michigan, known and described as follows, to wit: Commencing at a point the northeast corner of the southwest quarter of the northwest quarter of section eighteen, in the township of Brady, in the county of Kalamazoo and State of Michigan; running thence south one mile, thence west one mile, thence north one mile, thence east one mile, to the point of the place of beginning, and more minutely described as the southwest fractional quarter of the northwest fractional quarter of section eighteen; the west half of southwest fractional quarter of section eighteen; the northwest quarter of the northwest fractional quarter of section nineteen in the township of Brady; and north half of northeast quarter and the northeast quarter of northwest quarter of section twenty-four; the east half of southwest quarter of section thirteen; the southeast quarter of northwest quarter of section thirteen, and the south half of northeast quarter of section thirteen, and the southeast quarter of section thirteen in the township of Schoolcraft, be and the same is hereby constituted a village corporate, to be known as the village of Vicksburg.

SEC. 2. The first election of officers of said village shall be held ^{First election of officers.} on the second Monday in March, one thousand eight hundred and eighty-four.

SEC. 3. Notices [notice] of said first election of officers of said ^{Notice of} village shall be given by the clerk of the village of Vicksburg, by written or printed notices signed by him and posted in three of the most public places in said village, at least eight days before said election.

SEC. 4. At such first election shall be chosen by ballot, by a plurality of all votes cast, one president, three trustees, one assessor, one treasurer, one clerk, one street commissioner, one marshal, and one constable. Said trustees and clerk shall be chosen for the term of two years, and the other officers mentioned for the term of one year from the second Monday in March, eighteen hundred and eighty-four, and shall continue in office until their successors are elected and qualified. The present officers holding office under ^{Officers to be elected at.} the present village organization shall continue in office under this ^{Terms of office.} ^{Present officers to continue.} act during the remainder of their respective terms.

SEC. 5. All rights of action which may have accrued to said village as heretofore incorporated, and all property, both real and personal, belonging to the same, shall survive and belong to, and may be enforced and disposed of by the village corporate created by this act, and all liabilities of said previously existing village corporate shall be assessed and paid by the village created by this act.

SEC. 6. The village council shall have power to ordain and establish by-laws, rules, and regulations, and the same to alter or repeal at pleasure for the following purposes, viz.: ^{Powers of council to make rules, ordinances, etc.}

- Relative to taxes.** *First*, Relative to the manner of assessing, levying, and collection of all highway and other taxes in said village; for the preservation and maintenance of the corporate property and public places and buildings of said village;
- Police, etc.** *Second*, To regulate the police thereof, and to provide a prison for the imprisonment of offenders; to preserve the public peace; to prevent riots, disturbances, and disorderly assemblages;
- Fire wardens.** *Third*, To appoint such number of fire wardens as may be deemed necessary, for the examination by them from time to time of the stoves, furnaces, chimneys, and heating apparatus, and other devices in all the dwellings, buildings, and structures within the village, and in all places where combustible or explosive substances are kept, and to cause all such as are unsafe with respect to fire to be put in a safe condition;
- Fire department.** *Fourth*, To organize and maintain a fire department and define the duties of its members, and prescribe the penalties for delinquencies in said fire department;
- Vagrants, etc.** *Fifth*, To restrain, apprehend, and punish vagrants, mendicants, drunkards, and all other disorderly persons;
- Census.** *Sixth*, To provide for the taking of a census whenever they shall see fit so to do;
- Laying out, establishing, vacating, etc., of streets.** *Seventh*, To lay out and establish or vacate streets and alleys; to construct and keep in repair the public highways, bridges, culverts, sewers, and other drains or water courses; to remove earth from high places in any street or alley in said village for the purpose of repairing or filling any low place or places in other or the same street: *Provided*, That nothing herein contained shall exempt the township of Brady or Schoolcraft from the repairing, building, or re-building any bridge in said townships or from any damage for which said townships may become liable by reason of any neglect in keeping any such bridge or bridges in repair;
- Provisions.** *Eighth*, To suppress and restrain disorderly and gaming houses and houses of ill-fame; also to punish the keepers and inmates of the same; to prohibit the use of profane, blasphemous, vulgar, indecent, or insulting language in the streets, alleys, or in any public place in said village;
- Auctioneers, peddlers, saloons, shows, etc.** *Ninth*, To license auctioneers, hawkers, peddlers, hotels, restaurants, eating houses, circuses, menageries, concerts, swings, shows, or lectures; and to regulate saloons;
- Licenses.** *Tenth*, To revoke and annul any license whenever they shall deem it proper for any cause so to do, and may in their discretion refund the whole or any part of the money paid for such license;
- Spirituos liquors.** *Eleventh*, To prevent the selling or giving away of spirituous or fermented liquors in like manner and in accordance with the laws of this State;
- Immoderate driving.** *Twelfth*, To prevent and prescribe punishment for immoderate driving or riding in any street or alley in said village;
- Nuisances.** *Thirteenth*, To declare what shall constitute a nuisance, and to prohibit, prevent, and abate or remove the same;
- Obstructions.** *Fourteenth*, To prevent and compel the removal of all incumbrances, encroachments, and obstructions upon the streets, alleys, and public grounds in said village;

Fifteenth, To compel the owners or occupants of any lot or lots <sup>Cleaning lots,
sidewalks, etc.</sup> to cut and destroy all noxious weeds growing thereon, and to clear the sidewalks from snow and all other obstructions;

Sixteenth, To regulate the storage of gunpowder and other combustible material; to prohibit the use of fire-arms and fire-works <sup>Combustibles
fire-arms, etc.</sup> of any kind;

Seventeenth, To provide for and regulate the keeping of pounds ^{Pounds.} for the impounding of animals of any kind, and prevent the running at large of all kinds of poultry;

Eighteenth, To prevent the running at large of dogs; to require ^{Dogs.} them to be muzzled at any stated time, or authorize their destruction if found running at large in violation of any ordinance of said village;

Nineteenth, To regulate the setting and pruning of shade and ^{Shade trees.} ornamental trees when set in the public streets, alleys, or public grounds, and provide for the protection of the same;

Twentieth, To regulate or prohibit the setting of hitching posts, ^{Hitching posts.} or cause the same to be removed;

Twenty-first, To impose fines or imprisonment, or both fine ^{Fines, etc.} and imprisonment at discretion, in case of the violation of any ordinance of said village: *Provided*, Such fine shall not exceed ^{Proviso.} one hundred dollars, and the imprisonment not more than ninety days in the village prison or county jail, with or without hard labor, in the discretion of the court;

Twenty-second, To cause all offenders to be brought before and ^{Trials of offend-} tried by any justice of the peace of the townships of Brady or ^{ers, etc.} Schoolcraft; to place all moneys collected by reason of the imposition of any and all fines for the violation of any ordinance of said village, in the village treasury, to the credit of the village expense fund;

Twenty-third, To establish, construct, and keep in repair all ^{Sidewalks.} necessary sidewalks, and determine the grade thereof; to pay for the same out of the highway fund, and to assess the cost of all such improvements upon the owners or occupants of real estate bordering upon or adjacent thereto: *Provided*, Due notice shall first be given said owners or occupants to grade, construct, or repair such walk;

Twenty-fourth, To lay out and establish sewers, blind drains or <sup>Sewers, drains,
etc.</sup> open ditches, as may be required for the improvement of any street, alley, or low and wet lands in said village, or for the benefit of the public health of the citizens therefor [thereof], and to lay pipes for the distribution of water;

Twenty-fifth, To assess such part of the expense of establishing <sup>Assessment for,
etc.</sup> and constructing of any and all such sewers and drains as they shall deem to be just, upon the assessed valuation of the property in said village, and the remaining part upon the lots or lands bordering upon or adjacent to such sewer or drain, as may be deemed just and in proportion to the benefit such lots or lands may receive by reason of the construction of such sewers or drains;

Twenty-sixth, To establish and determine the boundaries of <sup>Boundaries of
streets, etc.</sup> all streets and alleys, and establish grades for the same, also to regulate the building of division and road fences;

- Erection of buildings.** *Twenty-seventh,* To prevent the erection of buildings in an unsafe manner, and regulate the construction of smith's shops, planing mills, bakeries, and all other extra hazardous buildings, and to guard against fires;
- Taxes.** *Twenty-eighth,* To levy taxes on the real and personal estate in said village, not exceeding one per cent in any one year;
- Taking private property for streets, etc.** *Twenty-ninth,* To take the land of any person or persons for the purpose of extending any street, but not until such person or persons shall be paid the value thereof, also the value of all buildings upon said lands;
- Paving, etc.** *Thirtieth,* To plank, pave, or macadamize any street or gutter in said village;
- Street lamps.** *Thirty-first,* To establish and erect all street lamps as may be required for the use of said village;
- Water-works.** *Thirty-second,* To have power to levy a tax on the taxable property in said village not to exceed one per cent in any one year, for the purpose of constructing and maintaining water-works of any kind or nature to supply the village with water, and make proper rules and regulations pertaining to the same whenever they may deem the same necessary.
- Compensation of certain officers.** SEC. 7. The compensation of the president and the trustees of said village shall be fixed by the council of said village: *Provided,* That the compensation of said president and trustees shall in no case exceed the sum of one dollar for every regular monthly meeting.
- Taxes & lien.** SEC. 8. All taxes levied upon real estate and assessments made thereon, for opening, widening, extending, grading, planking, or paving of any street or alley, or for the construction or repairing of any sewer, drain, or sidewalk shall be and remain a lien upon said real estate until paid.
- General law governing.** SEC. 9. The said village of Vicksburg shall in all things not herein otherwise provided, be governed by and its powers and duties defined by an act entitled, "An act granting and defining the powers and duties of incorporated villages," approved April one, eighteen hundred and seventy-five, and the acts amendatory thereto.
- Ordinances, etc., to remain in force.** SEC. 10. All the by-laws and ordinances of said village now in force not inconsistent with the provisions of this act, are continued in force until the same shall be changed or repealed according to law.
- Acts repealed.** SEC. 11. All acts and parts of acts inconsistent with the provisions of this act are and the same are hereby repealed.
- This act is ordered to take immediate effect.
- Approved May 18, 1883.

[No. 306.]

AN ACT to amend section six of an act entitled "An act to reorganize the board of education of the city of Coldwater, and defin-

ing their powers and duties," approved May twelfth, eighteen hundred and seventy-seven.

SECTION 1. *The People of the State of Michigan enact, That section six of an act entitled "An act to reorganize the board of education of the city of Coldwater, and defining their powers and duties," approved May twelfth, eighteen hundred and seventy-seven, be and the same is hereby amended so as to read as follows:*

SEC. 6. Said board of education shall have power to raise all such sums of money as may be necessary for the support and maintenance of the schools in said school district, and for repairs of the school buildings therein, and such other sums as may be required for the payment of insurance, fuel, salaries of janitors, and for incidental expenses and supplies; but whenever the board shall deem it necessary to raise money for purposes other than are enumerated above, they shall by resolution determine the amount necessary to be raised and the purpose for which it is to be used, and submit the same to a meeting of the electors of said district qualified to vote at school meetings for their approval, and if approved by a majority of the voters present at such meeting, then said board shall proceed to levy and collect the same in the same manner as other taxes levied by them are collected; or said board of education may borrow the amount of money so voted to be raised by said school district, and issue the bonds of the district therefor, payable within ten years at a rate of interest not exceeding seven per cent per annum, and said board is hereby empowered to levy and collect such taxes as may be necessary for the payment of the money so borrowed and interest at such times as the same may become due and payable. Notice of all meetings called in pursuance of the above provision shall be published at least two weeks prior to the meeting in the newspapers published in said district, and the resolution or resolutions to be submitted to said meeting shall be incorporated in said notice, and that in all proceedings under this section submitted to the electors of the school district the president and clerk of the board of education and one person appointed by said board of education shall constitute a board of inspectors, who shall cause a poll-list to be kept and a suitable ballot-box to be used, and the polls of such election shall be kept open two hours, and said balloting shall be conducted in the same manner as at township elections, and the qualification of the electors shall be the same as provided for in sections seventeen and eighteen of chapter two of the general school laws, approved May twenty-first, eighteen hundred and eighty-one, and said board of inspectors shall canvass the votes cast at said meeting and certify the result in writing to the board of education within two days after an election shall be held under this section.

This act is ordered to take immediate effect.

Approved May 19, 1883.

[No. 307.]

AN ACT to amend section one of act number three hundred and thirty-three, of the local acts of eighteen hundred and seventy-five, entitled "An act to incorporate the village of Casnovia," approved April sixteen, eighteen hundred and seventy-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section one of act number three hundred and thirty-three, of the local acts of eighteen hundred and seventy-five, entitled "An act to incorporate the village of Casnovia," approved April sixteen, eighteen hundred and seventy-five, be amended so as to read as follows:

Territory incorporated.

SEC. 1. All of that tract of country situated in the counties of Kent and Muskegon, in the State of Michigan, and described as follows, to-wit: The southwest one-fourth ($\frac{1}{4}$) of section nineteen (19) and the northwest one-fourth ($\frac{1}{4}$) of section thirty (30), in township ten (10) north, of range twelve (12) west, and also the southeast one-fourth ($\frac{1}{4}$) of section twenty-four (24), and the northeast one-fourth ($\frac{1}{4}$) of section twenty-five (25), in township ten (10) north, of range thirteen (13) west, be and the same is hereby constituted a village corporate by the name of the village of Casnovia.

This act is ordered to take immediate effect.

Approved May 19, 1883.

[No. 308.]

AN ACT to provide for the payment of a salary to the auditors of Wayne county, and to repeal all acts or parts of acts in conflict therewith.

Annual salary of auditors.

SECTION 1. *The People of the State of Michigan enact,* That the county auditors of the county of Wayne shall severally receive an annual salary of not less than twelve hundred dollars nor more than twenty-five hundred dollars, to be paid in monthly installments, and to be fixed from time to time by the circuit judges of the judicial circuit in which said county may be situated. Within thirty days after this act shall take effect, said judges shall fix the amount of said salary and make and file in the office of the county treasurer of said county their certificate as to the amount of salary so fixed by them: *Provided*, That the salary of said auditors shall not be changed within three years after the amount shall have been fixed and a certificate thereof filed as aforesaid: *And provided further*, That the said salaries so fixed and awarded, as aforesaid, shall be in full for all services and expenses and traveling fees of the auditors in attending upon the duties of their office.

Certificate fixing.

Proviso.

Further proviso.

Acts repealed.

SEC. 2. All acts and parts of acts in any way conflicting with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 19, 1883.

[No. 309.]

AN ACT to amend sections nine, seventeen, thirty-nine, forty-seven, fifty-seven, and to add thirty-seven new sections which shall stand as sections seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three, one hundred and four, one hundred and five, one hundred and six, and one hundred and seven, of an act entitled "An act to incorporate the city of Ionia," approved March twenty-one, eighteen hundred and seventy-three, and acts amendatory thereto.

SECTION 1. *The People of the State of Michigan enact,* That sections nine, seventeen, thirty-nine, forty-seven, and fifty-seven, of an act entitled "An act to incorporate the city of Ionia," approved March twenty-first, eighteen hundred and seventy-three, be and are hereby amended so as to read as follows:

Sec. 9. On the day of the election held by virtue of this act the polls shall be opened at eight o'clock in the forenoon, or as soon thereafter as may be, and shall be kept open until five o'clock in the afternoon, at which time they shall be finally closed.

Sec. 17. The mayor of the city shall be the chief executive officer thereof. He shall be conservator of public peace, and may exercise within the city limits, the powers conferred upon sheriffs to suppress riots and disorderly conduct. It shall be his duty to see that all the officers of the city faithfully comply with, and discharge their official duties, and he may suspend any police officer for neglect of duty. It shall be his duty to see that all the laws pertaining to the municipal government of the city, and all ordinances and resolutions of the common council be faithfully observed and executed. He shall, from time to time, give the common council information concerning the affairs of the city, and recommend such measures as he shall deem expedient. The mayor shall preside at all meetings of the common council, and in his absence the common council shall appoint one of their number, who shall preside.

Sec. 39. The common council shall have full power and authority to levy and collect such amount of taxes upon all real and personal property within the limits of the city, as they may deem necessary to defray the expenses thereof, not to exceed in any one year one per cent on the equalized valuation thereof, for the above and all other purposes, exclusive of costs of collecting the same. And the common council of said city shall not have power to incur any indebtedness against, or to issue bonds, or pledge the credit of said city for any amount, except as hereinafter provided: For the purpose of constructing a system of water-works, or for the purpose of constructing a system of sewerage for said city, the common

Powers of common council in reference to taxes.

When council may incur indebtedness, issue bonds, etc.

For water-works.

council may borrow on the faith and credit of the city such sums of money for either of said purposes as the council may deem necessary, for a term not exceeding twenty years, at a rate of interest not exceeding seven per cent per annum; and for such purpose may issue bonds of the city, signed by the mayor, and countersigned by the clerk, and in such form, and in such sums as the common council may direct; and such bonds may be disposed of under the direction of the common council, or mayor, upon such terms as they may deem advisable, but not for less than the par value thereof, and the avails thereof shall be applied to the purposes for which the same was intended, and for no other purpose: *Provided*, That nothing in this act contained shall be construed to authorize the incurring of any bonded indebtedness or liability, unless such indebtedness or liability shall have been authorized by the vote of a majority of those qualified electors who are tax-payers, voting in their respective wards, at a special city election, called by the common council for that purpose, notice having been duly given of such proposition by the city clerk, who shall post notices in at least five different places in each ward of the city, and publish the same in the official newspaper of the city, for at least ten days before such election. Said notices shall specify the amount proposed to be raised, and for what purpose; but it shall not be lawful for the city to ever create any such liability or indebtedness exceeding in the aggregate two and one-half per cent of the assessed valuation of the property of said city. All such elections shall be conducted in the same manner as general elections, and the form of the ballots shall be prescribed by the common council. The common council may authorize the board of public works to borrow money on the credit of the city, not to exceed ten thousand dollars, at a rate of interest not exceeding seven per cent, to anticipate any appropriation made by the common council for their use, which is to be collected in the annual tax for the current year, and for no other purpose whatever.

Proviso in reference to submitting question to vote, etc.

Notice of election, etc.

Council may authorize board of public works to borrow money.

Construction of sidewalks, plankings of streets, etc.

SEC. 47. Whenever the common council shall deem it expedient to construct or repair any sidewalk or pavement, or plank any street, lane, or alley, or any portion of a street, lane, or alley, within said city, they may by ordinance or resolution require the owner or owners of any lot or premises adjoining said street, to build such sidewalk or construct such pavement, or plank such street, lane, or alley, to the middle of the same, in front of his, her, or their lot or premises, or they may direct such sidewalks and pavements to be made, and such streets [street] to be planked according to the provisions of this act. If the owner or owners of any lot or premises in the said city, after notice so to do shall have been given, served, or published, as the common council may direct by ordinance or resolution, shall fail or neglect to construct or repair any sidewalk or pavement, or to plank any street, or to clear away any snow, ice, or other obstruction from any sidewalk, street, lane, or alley in said city within such time as the common council may prescribe or require by ordinance or resolution, the common council may cause the same to be done at the expense of the city. An accurate account of the

expense thereof shall be kept by the city marshal and returned to the city clerk, which said account shall be certified by said marshal, and filed in the office of the city clerk within five days after said work shall be done. Said account so certified by said marshal shall contain a description of each parcel of real estate adjoining which said sidewalk was made, repaired, or reconstructed, and the expense thereof, and also the name of the owner or occupant of each parcel of said real estate, if known, and if not known shall be so stated in said account; and such expense shall be deemed to be a special assessment upon such lot or premises, and the common council may add the same to the amount of the general city tax on such lot or premises, in the proper tax roll next thereafter to be made, and the amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and if not paid the land sold therefor in the same manner as ordinary city taxes.

SEC. 57. The common council in addition to the powers and duties specially conferred on them in this act shall have the management and control of the finances, rights, and interests, buildings, and all property, real and personal, belonging to said city, and make such orders, by-laws, and ordinances relating to the same as they shall deem proper and necessary; and further, that they shall have power within said city to enact, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they may deem desirable within said city for the following purposes:

First, To prohibit, restrain, and regulate the sale of all goods, wares, and personal property at auction; to regulate or prohibit the ringing of bells, or the use of any other device to attract public attention for any auction sale; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city, except in cases of sales authorized by law, to license the same, and to regulate the fees to be paid by and to auctioneers;

Second, To prohibit, restrain, and regulate all sports, exhibitions [exhibition] of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, menageries, shows, or other public performances and exhibitions for money; exhibitions of agricultural or educational societies or associations and lectures on historic, literary, moral, or scientific subjects excepted;

Third, To prevent, prohibit, abate, suppress, or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow chandler shop, butcher's stall, slaughter house, glue, starch, or soap factory, tannery, stable, privy, hog pen, sewer, or any other offensive or unwholesome house or place, to cleanse, remove, or abate the same, from time to time, as often as they may deem necessary for the health, comfort, and convenience, or safety of the inhabitants of said city, and to punish those occasioning them, or neglecting or refusing to abate, discontinue, or remove the same;

Fourth, To direct the location of all markets, and buildings for storing gunpowder, or other combustible or explosive substances or dangerous articles; to regulate the buying, keeping, carrying,

*General powers
of council.*

*Auctions and
auctioneers.*

*Shows and
exhibitions.*

*Markets, slaug-
ter houses, stor-
ing of gun-
powder, etc.*

selling, and using gunpowder, fire-crackers, or fire-works manufactured or prepared therefrom, and to prevent, prohibit, and suppress the exhibition of fire-works, burning or explosion of fire-crackers, and the discharge of fire-arms, within the limits of said city; and to prevent, prohibit, and restrain the making of bonfires in streets and yards, and to regulate the use and kind of lights or lamps to be used in barns, stables, and all buildings and establishments usually regarded as extra hazardous in respect to fire: *Provided*, That no slaughter house shall be permitted within the city limits;

Proviso.**Construction of buildings for, and carrying on of unwholesome and offensive business, etc.**

Fifth, To prohibit and prevent within certain limits in said city, to be determined by the common council, the location or construction of buildings for storing gunpowder, powder factories, tanneries, distilleries, buildings for the manufacture of turpentine, camphene, and dangerous or explosive substances, soap, candle, starch, and glue factories, establishments for steaming or rendering lard, tallow, offal, and such other substances as can be rendered into tallow, lard, or oil, and all establishments where any nauseous, offensive, or unwholesome business may be carried on; and such buildings, factories, shops, and establishments as aforesaid, now or hereafter to be constructed in said city, together with blacksmith shops, foundries, cooper shops, steam boiler factories, carpenter shops, planing establishments, breweries, and all buildings and establishments usually regarded as extra hazardous in respect to fire, shall be subject to such regulations in relation to their construction and management, as the common council may make with a view to the protection of any person or property from injury by fire, or of the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances; to prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease;

Incumbering streets, etc.

Sixth, To prevent the incumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges, or aqueducts, drains or ditches in any manner whatever;

Hitching horses, racing, and immoderate driving, etc.

Seventh, To require any horse, horses, or mules attached to any vehicle, or standing in any of the streets, lanes, or alleys in said city to be securely fastened, watched, or held, and to prevent and punish horse-racing and immoderate driving or riding in any street or over any bridge, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or over any bridge in said city;

Regulation of speed of locomotives, etc.

Eighth, To prescribe, regulate, and restrain the use and speed of locomotives, engines, and cars on railroads within the limits of said city, and to prohibit railroad cars from standing across or otherwise obstructing the streets thereof an unreasonable time, and to require and compel railroad companies using steam locomotives to keep flagmen or watchmen at any railroad crossings of streets that the common council may deem necessary, and to give warning of the approach and passage of trains therat;

Bathing.

Ninth, To prohibit or regulate bathing in any public water, or in any open or conspicuous place, or any indecent exposure of the

person in the city, and to provide for the cleansing of any and all streams in said city;

Tenth, To restrain and punish drunkards, vagrants, medicants, Drunkards, etc., street beggars, and persons soliciting alms;

Eleventh, To establish and regulate one or more pounds, and to Pounds. restrain and regulate the running at large of horses, cattle, swine, and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping and impounding;

Twelfth, To prevent and regulate the running at large of dogs, Dogs. and to impose taxes on the owners of dogs;

Thirteenth, To prohibit any person from bringing or depositing Unwholesome substances. within the limits of said city any dead carcasses or other unwholesome or offensive substances, and to require the removal or destruction thereof; if any person shall have on his premises such substances, or any putrid meats, fish, hides, or skins of any kind, and on his default, to authorize the removal or destruction thereof as a public nuisance by some officer of the city, and to punish the persons so occasioning such nuisances; .

Fourteenth, To compel all persons to keep sidewalks in front of Cleaning side-walks. premises owned or occupied by them clear from snow, ice, dirt, wood, or obstructions;

Fifteenth, To regulate the ringing of bells and the crying of Ringing of bells, etc. goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Sixteenth, To appoint and prescribe the powers and duties of Watchmen. watchmen, and the fines and penalties for their delinquencies;

Seventeenth, To regulate and establish the line upon which buildings may be erected upon any street, lane, or alley in said city, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner or builder violating this provision, not to exceed five hundred dollars; Erection of buildings.

Eighteenth, To prohibit and prevent the location or construction Construction, etc., of wooden buildings. of any wooden or frame house, store, shop, or other building, and to prohibit and prevent the using or employing any wooden or combustible material for the roofing of any building on such streets, alleys, and places, or within such limits in said city as the common council may from time to time prescribe, to prohibit and prevent the moving of wooden or frame buildings from any part of said city to any lot on such streets, alleys, and places within said limits, and the rebuilding and repairing of wooden buildings on said streets, alleys, and places within said limits when damaged by fire or otherwise;

Nineteenth, To provide for obtaining, holding, regulating, and Burial grounds. managing burial grounds, within or without the city, when established for the benefit thereof, to regulate the burial of the dead and to compel the keeping and return of bills of mortality;

Twentieth, To establish, order, and regulate the markets, to Regulation of markets, etc. regulate the vending of wood, hay, meat, vegetables, fruits, fish, and provisions of all kinds, and prescribe the time and place of selling the same, and the fees to be paid by butchers for license, to

Proviso.

prohibit and prevent and suppress the sale of every kind of unsound, nauseous, or unwholesome meat, poultry, fish, vegetables, or other articles of food or provisions, and to punish all persons who shall knowingly sell the same, or offer or keep the same for sale: *Provided*, That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter, within the limits of the city;

**Reservoirs,
wells, etc.**

Twenty-first, To establish, regulate, and preserve public reservoirs, wells, penstocks, and pumps, and to prevent the waste of water, to authorize and empower, under such regulations, and upon such terms and conditions as they may choose, the laying of water pipes in the streets and alleys of the city for the purpose of supplying the inhabitants of said city with water;

**Sextons, cart-
men, scavenger-
ers, etc.**

Twenty-second, To prescribe rules to govern sextons and undertakers for burying the dead, cartmen and their carts, hackney carriages and their drivers, omnibusses and their drivers, scavengers, porters, and chimney sweeps, and their fees and compensation, to regulate and prevent auctions, peddling, hawking, pawn-brokerage, or using for hire carts, drays, hacks, or any kind of carriage or vehicle in the streets, to regulate and prevent runners, stage drivers, and others soliciting guests for hotels and passengers and others to ride or travel upon any railroad, street car, boat, omnibus, stage, or any other kind of carriage or vehicle, or to go any other where;

**Lighting of
streets.**

Twenty-third, To regulate the lighting of the streets and alleys, and the protection and safety of public lamps;

**Numbering
buildings.**

Twenty-fourth, To provide for and regulate the numbering of the buildings upon the streets or alleys, and to compel the owners or occupants of buildings to affix numbers on the same;

**Appointive offi-
cers, duties and
compensation of,
etc.**

Twenty-fifth, To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties; and to prescribe the bonds and sureties to be given by any and all officers of the city, for the prompt, proper, and faithful discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;

**Salubrity of
waters.**

Twenty-sixth, To preserve the salubrity of the streams within the limits of the city; to fill up all low grounds or lots covered or partially covered with water, or to drain the same, as they may deem expedient;

**Stands for car-
riages, etc.**

Twenty-seventh, To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay, and produce exposed for sale in said city;

Census.

Twenty-eighth, To provide for taking a census of the inhabitants of said city whenever they may see fit, and to direct and regulate the same;

**Establishing
grades.**

Twenty-ninth, To establish a grade for streets and sidewalks, and to cause the sidewalks to be constructed in accordance with the same; and shall have power by resolution or ordinance to

grade, plank, and construct sidewalks within said city, and to cause the expenses thereof to be assessed against the lots, tracts, and premises in front of or adjoining which such sidewalks shall be so built, graded, planked, or constructed;

Thirty-first, To prescribe the duties of sealer of weights and measures, and the penalty for using false weights and measures, and all the laws of this State in relation to the sealing of weights and measures shall apply to said city, except as herein otherwise provided;

Thirty-first, To prohibit, restrain, or prevent persons from gaming for money with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines, or other instruments or devices whatsoever, in any grocery, store, shop, or any other place in said city, to punish the persons keeping the building, instruments, or means for such gaming, and to compel the destruction of the same;

Thirty-second, To license and regulate solicitors of passengers or baggage for the benefit of any hotel, tavern, public house, boat or railroad; also draymen, common truckmen, porters, runners, drivers of cabs, hackney coaches, omnibusses, carriages, sleighs, express vehicles, and vehicles of every description used and employed for hire, and to fix and regulate the amount and rates of their compensation;

Thirty-third, To license and regulate auctioneers, hawkers, peddlers, and pawnbrokers, and regulate auctions, hawking, peddling, and pawn-brokerage; license and regulate the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods, and other property whatsoever, by hand, hand-cart, show-case, show-stand, or otherwise in the public streets;

Thirty-fourth, To prohibit and prevent, or license and regulate the public exhibition by itinerant persons or companies of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind;

Thirty-fifth, To license and regulate the keeping of hotels, taverns, and other public houses, and keeping of ordinaries and victualing, and other houses or places for furnishing meals, food, or drink, and to regulate saloons selling intoxicating liquors;

Thirty-sixth, To tax and regulate keeping of billiard tables, pin alleys, nine or ten pin alleys, but not for the purpose of gaming;

Thirty-seventh, To provide for public parks and squares, make, grade, improve, and adorn the same, and all grounds in said city belonging to or under the control of the corporation, and to control and regulate the same consistently with the purposes and objects thereof;

Thirty-eighth, To sell or otherwise provide for disposing of all dirt, filth, manure, and cleanings lying in or gathered from highways, streets, avenues, lanes, alleys, and public spaces, and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving, or otherwise improving the same;

Thirty-ninth, To establish, construct, maintain, repair, enlarge,

Highways, streets, alleys, etc. and discontinue within the highways, streets, avenues, lanes, alleys, and public places of said city such bridges, culverts, sewers, drains, and lateral drains and sewers, and to establish such a system of sewerage for said city as the common council may see fit, with a view to the proper drainage and sewerage of said city; to compel the owners or occupants of all occupied lots, premises, and subdivisions thereof within said city to construct private drains and sewers therefrom to connect with some public sewer or drain; said private drains and sewers shall be constructed in such manner and of such form and dimensions and under such regulations as the common council shall prescribe;

Sewer tax. *Fortieth,* To assess, levy, and collect an annual assessment or tax on the real and personal property of said city, for the purpose of cleansing and keeping in repair the public sewers of said city;

Fire department. *Forty-first,* To establish a fire department to provide for the prevention and extinguishment of fires, and to establish, organize, and regulate fire companies in the manner and under such regulations as the common council may prescribe;

Partition fences and walls, chimneys, etc. *Forty-second,* To regulate the construction of fences on the lines of streets and alleys, and of partition and parapet walls, the walls of buildings, the thickness of walls, to regulate the construction of chimneys, hearths, fire-places, fire-arches, ovens, and the putting up of stoves, stove pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney flues; to compel and regulate the cleaning thereof and fix the fees therefor; to compel and regulate the construction of ash-houses or deposits for ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof, and stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures, to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of fires all idle or suspicious persons, and to compel all officers of the city and other persons to aid in the extinguishment of fires and in the preservation of property exposed to danger therefrom;

Licenses. *Forty-third,* To authorize the granting, issuing, and revoking of licenses in all cases where licenses may be granted and issued under this act and ordinances of the common council; to direct the manner of issuing and registering the same, and by what officer they shall be issued or revoked; and to prescribe the sum of money to be paid therefor into the treasury of the corporation. No license shall be granted for more than one year; and the common council may prescribe by by-law, ordinance, or resolution that before the issuing thereof the person receiving the same shall execute a bond to the corporation in such sum as the common council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the common council, and otherwise conditioned as the common council may prescribe. The officer authorized to issue said license

may enquire into the sufficiency of the sureties in such bond by an examination under oath as to their property and responsibility, which oath may be administered by such officer.

Sec. 2. That there be added to said act thirty-seven new sections, Sections added. to stand as sections seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred and one, one hundred and two, one hundred and three, one hundred and four, one hundred and five, one hundred and six, and one hundred and seven, as follows:

Sec. 71. The council of the city shall have authority to permit Laying of rail-road tracks, etc., in streets. any railroad company to lay its track and operate its road with steam locomotives, or other power in or across the public streets, highways or alleys of the city as the council may deem expedient, upon such terms and conditions, and subject to such regulations to be observed by the company as the council may prescribe; and to prohibit the laying of such track, or the operating of any such road except upon such terms and conditions: *Provided, however,* That Proviso. such permission shall not affect the right or claim of any person for damages sustained in the construction or building of such railroad or street railway.

Sec. 72. The council shall have power to provide for and change the location and grade of street crossings of any railroad track, Grade of rail-road tracks, at street crossings, etc. and to compel any railroad company or street railway company to raise or lower their railroad tracks to conform to street grades which may be established by the city from time to time; and to construct crossings in such a manner, and with such protection to persons crossing therat as the council may require, and to keep them in repair; and to impose a fine of not less than five or more than fifty dollars upon the company, or upon any engineer or conductor or other person having charge of any train, engine, or car or cars violating any ordinance regulating the speed of trains.

Sec. 73. The council shall also have power to compel any railroad company, and any street railway company, to make, keep open and in repair, such ditches, drains, sewers, and culverts along and under or across their railroad tracks as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct, and so that the natural drainage of adjacent property shall not be impeded, also to fence the side of any street to which said railroad may run parallel, and to repair any damage or injury which may have been done to such street by any such railroad company. If any such railroad company shall neglect to perform any such requirement, according to the direction of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company in an action of assumpsit before any court having jurisdiction of the cause. Railroad company to make, keep open, etc., ditches, culverts, etc. In case of neg-lect of com-pany.

PUBLIC HEALTH.

Powers of council in reference to malignant or contagious diseases, and to prevent spread of same.

SEC. 74. The common council of said city may enact all such ordinances as may be deemed necessary in the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction or spreading of malignant, pestilential, infectious, or contagious diseases within the city, or within one mile thereof, to stop, detain, and examine, for that purpose, every person coming from any place infected, or believed to be infected with such disease, and to prevent and suppress diseases generally, and, in the removal of persons having such diseases, or from exposure thereto or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the council may prescribe, or the public safety may require; to remove from the city and destroy any furniture, wearing apparel, goods, wares, or merchandise, or other articles or property of any kind which shall be suspected of being tainted or infected with any pestilence, or which shall be or likely to pass into such a state as to generate or propagate disease, after paying to the owner or owners thereof the full value in cash.

Hospitals, attendants, etc.

SEC. 75. The common council may purchase the necessary lands and erect thereon or otherwise provide one or more hospitals, either within or without the city limits, and maintain and regulate the same, and provide for the appointment of the necessary officers, attendants, or employés, and for the care and management thereof, and for the care and treatment therein of such sick and diseased person as to the council or board of health of the city shall seem proper, and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged. The owner, driver, conductor, or person in charge of any stage-coach, railroad car, or other conveyance which shall enter into the city having on board any person sick of a malignant, pestilential, or infectious disease, shall within two hours of the arrival of such person report in writing the fact with the name of such person and the house or place where he was put down in the city to the mayor or some member of the common council or board of health.

Cases to be reported by drivers, conductors.

Hotel keepers, etc., to report cases.

Physicians to report cases.

Penalty for violations, and for bringing property infected within the city.

SEC. 76. Every keeper of an inn, or boarding house, or lodging house in the city who shall knowingly have in his house at any time any traveler sick with any malignant, infectious, or pestilential disease, shall report the fact and the name of the person in writing within six hours after he came to the house or was taken sick therein, to the mayor or some officer or member of the board of health. Every physician in the city shall report under his hand the name, residence, and disease of every patient whom he shall have sick of any malignant, infectious, or pestilential disease within six hours after he shall have visited such patient. A violation of either of the provisions of this section, or of any part of either of them, shall be a misdemeanor, punishable by fine or imprisonment. Any person who shall knowingly bring, or procure, or cause to be brought into the city any property of any kind tainted or infected

with any malignant, infectious, or pestilential disease shall be guilty of a misdemeanor, punishable by fine and imprisonment.

SEC. 77. Whenever in the opinion of the common council any building, fence, or other erection of any kind, or any part thereof, is liable to fall down, and persons or property may thereby be endangered, they may order any owner or occupant of the premises on which such building, fence, or other erection stands to take down the same, or any part thereof, within a reasonable time, to be fixed by the order, or immediately, as the case may require, and in case the order is not complied with, cause the same to be taken down at the expense of the city.

SEC. 78. The city clerk shall be the clerk of the common council while acting as a board of health, whose duty it shall be to attend the meetings thereof and keep a record of its proceedings, and such record of the common council acting as a board of health, or a duly certified copy of the same, or any part thereof, shall be *prima facie* evidence of the facts therein contained, in any court or before any officer.

PREVENTION AND EXTINGUISHMENT OF FIRES.

SEC. 79. The common council may procure, own, erect, build, and keep in repair such and so many fire engines with their hose and other apparatus, engine houses, ladders, fire-hooks, and fire buckets, and other implements and conveniences for the extinguishment of fires, and to prevent injuries by fire, and such and so many public cisterns, wells, and reservoirs of water as they from time to time shall judge necessary. The common council may organize and maintain a fire department for said city to consist of one chief engineer and as many assistant engineers and other officers as the common council may deem necessary, and prescribe rules and regulations by ordinance or otherwise for the government of the same, and may impose reasonable fines for the breach of any such rules or regulations, and may organize and maintain, establish, and regulate such and so many fire engine, hook and ladder, hose and bucket companies as may be deemed expedient, and may appoint from among the inhabitants of said city such number of men willing to accept as may be deemed proper and necessary to be employed as firemen, and every such company may be authorized and empowered by the common council to make their own by-laws and rules for the organization and government of the company, subject to the approval of the common council, and to enforce and collect such fines for non-attendance or neglect of duty of any of the members as such company may by by-laws and rules provide, or the common council may make all such necessary rules and regulations by ordinance or otherwise as it may deem expedient and necessary to promote and maintain the greatest efficiency in such fire department and such fire companies, and it shall be the duty of every such company to keep the fire engine, hose, hook and ladders, and other instruments and implements in its charge in good and perfect repair, and it shall be the duty of each fire company to assemble once in each month and as often as may be

Removal of dangerous structures.

City clerk, clerk of board of health.

Engine houses, fire engines, etc.

Fire department.

directed by the chief engineer for the purpose of working and examining the fire engine and other implements in its charge with a view of keeping the same in perfect order and repair, and upon any alarm and breaking out of any fire in said city each fire company shall forthwith assemble at the place of such fire with the engine and other implements of the company, and be subject to the orders of the chief engineer or other person for the time being lawfully acting as chief engineer of the fire department.

**Chief engineer,
duties and
powers of.**

SEC. 80. The chief engineer, under the direction of the common council, shall have the custody and general superintendence of the fire engines, engine-houses, hooks, ladders, hose, and other conveniences for the extinguishment and prevention of fires; and it shall be his duty to see that the same are kept in order, and to see that the laws and ordinances relative to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of the department, and of the companies, and of the conduct of the firemen, hook and ladder men, and hose men, to the common council, at such periods as the common council may prescribe; the certificate of the city clerk that a person is a fireman shall be evidence in all courts and places; and the members of every such company, during their continuance as such, shall be exempt from serving on juries and from paying a poll tax in said city.

**Certificate of
membership of
fire department.**

SEC. 81. The common council may provide suitable compensation for any injury that any fireman, hook and ladder man, or hose man may receive in his person or property in consequence of his exertions at any fire.

**Pulling down
buildings to pre-
vent spread of
fire.**

SEC. 82. Whenever any building in said city shall be on fire it shall be the duty and shall be lawful for the chief engineer, with the consent of the mayor or any alderman or for any two aldermen, to order and direct such building or any other building which they may deem hazardous and likely to communicate fire to other buildings, or any part of such building, to be pulled down and destroyed, and no action shall be maintained against any person or against the said city therefor; but said city shall be liable for such damage as may be proven in any court of competent jurisdiction.

WATER-WORKS.

Water-works.

SEC. 83. The common council shall have the power to establish, construct, maintain, control, supervise, regulate, and keep in repair a system of water-works for the purpose of supplying the city of Ionia with water for municipal, domestic, and other purposes, and are hereby invested with full and complete power and authority to enact, make, and adopt any and all such ordinances, by-laws, rules, and regulations as they may deem necessary, requisite and expedient to carry into complete effect the power and authority hereby conferred upon them relative to the water-works of said city and for the conduct of its business.

SEC. 84. It shall be the duty of the board of public works hereinafter provided to monthly pay into the city treasury, to the

credit of the water fund, all moneys received by them for water rates, or from any other source, and to file a detailed statement thereof with the city clerk, and shall make such reports and furnish such information to the common council as that body shall by resolution or ordinance prescribed [prescribe].

SEC. 85. The said board of public works and their agents and servants may enter upon any public or private land or water, either within or without said city, for the purpose of making all necessary surveys, and for constructing and maintaining their pipes, aqueducts, and other works, or doing any other act necessary to carry into effect the provisions of this act concerning water-works:

Provided, They do no unnecessary injury to such property. The *Proviso*.
said board, subject to the approval of the common council, may agree with all persons interested in private property, as to the compensation to be paid for taking or using the same for public use or benefit by said board. In case no agreement can be entered into, said board may report the same to the common council and they may direct that said private property or the use thereof be condemned in the manner prescribed by section twenty-eight of this act for taking such property for public use.

SEC. 86. If any person shall willfully do or cause to be done any act whereby any work, materials, or private property whatsoever, erected or used within or without the city of Ionia by the common council, or by any person acting under its authority, for the purpose of procuring or keeping any supply of water, shall be injured, or shall willfully throw, or place, or cause to be thrown or placed any carcass of any dead animal or person, or any other deleterious or filthy substance whatever in any reservoir, pipe, or aqueduct, of said water-works, through which water for public or private use is conveyed, or shall throw, or place, or cause to be thrown or placed any such carcass, deleterious or filthy substance into any stream or inlet within a distance of six miles above any inlet pipe extending into such stream or source of water supply, or any part thereof is received, or do or cause to be done any other act to willfully pollute said water, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not to exceed ninety days.

SEC. 87. If any person shall, without the authority of the said board or its proper agents, perforate or bore, or cause to be perforated or bored, any distributing pipe, main log, or aqueduct belonging to said water-works, or cause to be made any connection or communication with said pipes, aqueducts, or logs, or meddle with or move the same, or any machinery, apparatus, or fixture connected with said water-works, or take down or deface any of the notices provided for in the last section, or cause the same to be done, the person so offending shall, on conviction, be punished by a fine not exceeding one hundred dollars, and shall also be sentenced to imprisonment in the county jail not to exceed ninety days. Any person who shall willfully cut or break any inlet pipe, main distributing pipe, log, or aqueduct used for conducting said water, or

shall dig into or break up any reservoir filled or partially filled with water, or shall break or injure any pumping engine or any part thereof, or any of the machinery connected therewith belonging to said water-works, or cause any of said acts to be done, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding ninety days.

OF SEWERS, DRAINS, AND WATER COURSES.

**Construction of
sewers, etc.**

SEC. 88. The common council may establish, construct, and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such rules and regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken in the manner prescribed by section twenty-eight of this act; but in all cases where the common council shall deem it practicable, such sewers and drains shall be constructed in public streets and grounds.

**Board of pub-
lic works.**

SEC. 89. The common council shall, on the first Monday in May, or as soon thereafter as may be, elect three good and competent men who are freeholders and qualified electors, as a board of public works, one of whom shall be elected for one year, one for two years, and one for three years, and annually thereafter at the spring election, there shall be elected by the electors of the city, one member of said board for three years: The members of said board shall hold their office and perform the duties thereof until their successors are elected and [are] duly qualified; they shall take the oath of office prescribed for city officers within five days from the date of their election. Vacancies occurring in said board by removal, resignation, or otherwise, shall be filled by the common council for the unexpired term.

Compensation.

SEC. 90. The common council shall fix and determine the compensation to be paid said board of public works.

Clerk of.

SEC. 91. The city clerk shall be [the] clerk of the board of public works.

**Board to have
control, etc., of
water-works.**

SEC. 92. The board of public works shall have the control and management of the water-works of the city. They may construct, repair, and maintain reservoirs, buildings, machinery, jets, and fountains, at such locations as they may deem expedient; they may lay and repair water mains and pipes in and through any of the streets and alleys, and public places in said city, for the purpose of furnishing a supply of water for public and private use.

**Plans to be
approved, and
work let, etc.**

SEC. 93. Plans and estimates for constructing water-works, or for repairing the same may, and the estimated cost therefor shall be submitted to the common council for their approval, and when so approved the work may be let to the lowest responsible bidder, who shall give adequate security, and do the work under such rules and regulations as may be prescribed by the board; or the board may do the work in any other way or manner they may deem best for the interests of the city. The board of public works may appoint such officers and agents as they may deem necessary, for the proper management of the works, and prescribe and define their duties and fix their compensation.

SEC. 94. The board of public works shall report to the common council on the Saturday preceding the first Monday in each month, in relation to the progress of any work, and furnish a statement of the several sums due on that date for labor, material, etc., or on contracts; said statements shall be verified by the board, and the accounts and claims so furnished shall be audited and allowed by the common council, and orders drawn for the same on the city treasurer.

SEC. 95. The board of public works shall have the management of all sewers and drains of the city, and of their construction. Whenever it may become necessary, in the opinion of the board, to provide sewers and drains for the city or any part thereof, they shall cause to be drawn by some competent engineer, a diagram and plat of so much of the city as in their judgment will require sewerage, showing the streets, public grounds and lots, the location of the sewers, the depth, grade, and dimensions thereof; which diagram and plat shall be filed and kept in the office of the city clerk. The board shall then cause a plan as above described, to be made for a sewer district to be designated as sewer district number one, which shall include, as near as may be, the entire business portion of the city, and also the extension of the main or trunk sewer to some suitable point on Grand river. The plan, diagram, and estimated cost shall be submitted to the common council, and if approved by them the board of public works shall proceed and construct the same, by letting the contract to the lowest responsible bidder, or otherwise, as they shall determine. The cost of constructing the sewers in said sewer district shall be paid in the following manner: So much of the main sewer as extends from the D., L. & N. R. R., south to Grand river, shall be paid for by the city; the cost of constructing the sewers through the streets of said sewer district shall be kept and determined for each street by itself, one-half of the amounts shall be paid by the city, and one-half by the owners of adjacent property, according to the assessed valuation thereof. Corner lots shall pay only for sewerage in the streets on which the lots front. The cost of sewerage for each separate street shall be furnished by the city clerk on or before the first day of October in each year to the supervisor of the district, and [the] one-half of the same shall be assessed by him to the several property holders on each street in proportion to the assessed valuation of the property of each, and placed in a separate column in his roll under the head of "sewer tax," which shall be collected the same as other city taxes.

SEC. 96. Whenever the board of public works deem it necessary and expedient to form other sewer districts, and construct sewers therein, they may do so in the same manner and under the same provisions as are contained in the preceding section of this act.

SEC. 97. The owners or occupants of lots or premises in streets having sewers constructed therein shall have the right to connect private drains or sewers with the same at their own expense, under such rules and regulations as the board of public works may prescribe, and the common council shall, if the public health at any

time [may] require it, have power to compel them to do so, and to fix the penalties for not doing so.

*Streets, etc.,
may be placed
under control
of board of pub-
lic works.*

SEC. 98. The common council may at any time, by a two-thirds vote of all the members elect, place the improvement, control, and management of all [the] streets, lanes, alleys, culverts, street crossings, and sidewalks of the city in the hands and under the management of the board of public works.

*Board of con-
trol to fix water
rates.*

SEC. 99. The board of public works shall annually, in the month of April, fix and determine the water rates for the year then ensuing, and said rates shall be based as near as may be upon the amount of water used; such water rates shall from and after [the] fixing the same be a continuing lien upon the lots and premises on which the water is used, and charged until paid, and the owners or occupants of the premises against which such rates are assessed, shall pay the same at the office of the board in advance, at such time or times as the board may determine, and in case of any default in such payment the board may collect the same by an action in assumpsit on the common counts in the name of the city of Ionia before any court of competent jurisdiction, and shall shut off the water until the same is paid.

General fund.

SEC. 100. The general fund of the city shall consist of all licenses and fine moneys, and so much of the annual city tax as shall not have been appropriated to other funds. The water-works fund shall consist of all water rates paid, all fines and penalties collected by the board of public works, and such sums as may be from time to time appropriated by the common council from the general fund or from the annual city tax, or that may be received from the sale of water-works bonds. The sewer fund shall consist of all fines and penalties received by the board of public works, the amounts assessed upon property owners, as their proportion of the expense of construction, and such sums as may be appropriated from the general fund, or from the annual city tax, or from the sale of sewer bonds.

*Board to make
estimates of
amounts
necessary to be
raised for water-
works, etc.*

SEC. 101. The board of public works shall in each year on or before the twentieth day of April, or as soon thereafter as may be, carefully prepare estimates of the amount of money that will be required by them for the water-works fund and for the sewer fund for the ensuing year, and submit the same to the common council; and the common council shall on the first Monday in May in each year, or as soon thereafter as may be, appropriate by resolution to the water-works fund and to the sewer fund the sums required, either from the moneys on hand in the general fund or from moneys that may thereafter come into said fund, or from the annual tax to be levied and collected for the then current year.

Taxes.

*Amount of,
determined by
resolution of
council.*

SEC. 102. The common council shall have authority to assess, levy, and collect taxes on all real and personal estate taxable in said city, which taxes shall be and remain a lien on the property so assessed until the same is paid. The common council shall on the first Monday in October in each year, or as soon thereafter as may be, fix and determine by resolution the amount of tax that shall be assessed, levied, and collected for all purposes for the then cur-

rent year, which amount shall include any former appropriations made for that year for the water-works fund or the sewer fund.

SEC. 103. The common council, when acting as members of the board of inspectors of election, or as members of the board of registration, shall be entitled to the same fees that may be allowed other members of said boards.

Fees of council
in certain cases.

OF CEMETERIES.

SEC. 104. The city of Ionia may acquire, hold, and own such cemetery or public burial place or places either within or without the limits of the corporation, as in the opinion of the common council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants; and may receive any gift or grant that may be made for or on account of such burial place or places; and may prohibit the interment of the dead within the city, or may limit such interment therein to such cemetery or burial place as the common council may prescribe; and the council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burial, to be taken up and buried elsewhere; and the common council may, within the limitations of this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection, and care thereof.

City may
acquire, hold,
etc., cemeteries.

SEC. 105. The common council may, within its discretion, appoint three trustees, who shall be chosen impartially, and without regard to their political beliefs, and who shall be freeholders and electors in the city, and who shall constitute the board of trustees of cemeteries, any two of whom shall constitute a quorum for the transaction of business. The trustees shall hold their office for the term of three years, except that at the first appointment one shall be appointed for one year, one for two years, and one for three years from the first Monday in May of the year when appointed, and annually thereafter said council shall appoint one trustee, who shall hold for the term of three years. The council may remove any trustee so appointed, for inattention to his duties required of him, or other good cause. Said board shall serve without compensation. The board shall appoint one of their number chairman, and the city clerk shall be clerk of the board. Said board shall be invested with all the powers conferred upon boards of directors of rural cemetery corporations, as provided, in section six and seven of an act entitled "An act to encourage the formation of corporations to establish rural cemeteries, and provide for the care and maintenance thereof," approved February nineteenth, eighteen hundred and sixty-nine, so far as the same may not be inconsistent with the provisions of this act; and the council shall, by ordinance, invest the board with such power and authority as may be necessary for the care, management, and preservation of such cemetery grounds, the tombs and monuments therein, and the appurtenances thereof. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the

Board of trustees
of cemeteries.

Term of office
of.

Powers of board.

improvements and embellishments of the grounds, cause such grounds to be laid out into lots, avenues, and walks, the lots to be numbered, and the avenues and walks to be named, and plats thereof to be made and recorded in the office of the city clerk. The board shall fix the price of lots, and make the sale thereof. The conveyance of such lots shall be executed in behalf of the city by the city clerk, and be recorded in his office at the expense of the purchasers. Said board shall appoint the necessary superintendents and employés for the cemetery, expend the money provided for the care and improvement of the grounds, enforce the ordinances of the city, made for the care and management thereof, and make such regulations for the burial of the dead, the care and protection of the grounds, monuments, and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city and the laws of the State.

Cemetery fund. SEC. 106. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose, except the purposes of such cemetery. The board of trustees shall report to the council annually, on the first Monday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source, and from whom, and the date, amount, items, and purposes of all expenditures and liabilities incurred, and to whom paid, and by whom incurred, and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

Ordinances, etc., in reference to cemeteries. SEC. 107. The council of the city owning a public burying ground, or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control and regulate such cemetery or burial place, and the improvements thereof, and to protect the same, and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board of cemetery trustees. The council shall have power also to pass all ordinances deemed necessary for the protection of any cemetery or burial place within the city, belonging to or under the control of any church, religious society, corporation, company, or association, and for the protection of the tombs, monuments, and improvements thereof, and the appurtenances thereto.

This act is ordered to take immediate effect.

Approved May 24, 1883.

[No. 310.]

AN ACT to amend sections two and eight, of an act entitled, "An act to incorporate the village of Saranac, in Ionia county," approved March fourth, eighteen hundred and sixty-nine, as amended by act two hundred and twenty-nine of the session laws of eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact,* That sections two and eight of an act entitled "An act to incorporate the village of Saranac, in Ionia county," approved March fourth, eighteen hundred and sixty-nine, as amended by act number two hundred and twenty-nine of the session laws of eighteen hundred and seventy-three, be amended so as to read as follows:

SEC. 2. The qualified electors of said village shall, at the annual election in eighteen hundred and eighty-four, at such place as is, or shall be, provided by the by-laws of said village, by ballot, elect by plurality of votes, a president, clerk, assessor, treasurer, and one trustee, to hold their office for one year, and three trustees to hold their office for two years, or until their successors shall have been duly elected and qualified; and annually thereafter there shall be elected by the electors as aforesaid, a president, clerk, assessor, and treasurer, who shall each hold his office for one year, and three trustees who shall hold their office for two years, or until their successors shall be duly elected and qualified; but if an election of the aforesaid officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act, for the holding of the general election. The village board shall, within one month after the annual meeting for the election of officers, proceed to elect by ballot, a marshal, and a majority vote of said board shall be necessary to a choice. The person so elected marshal, shall, before he enters upon the duties of his office take and subscribe the oath prescribed by section five of this act. He shall, if at any time required file a bond conditioned for the faithful discharge of the duties of his office, in such penal sum, and with such sureties as the village board shall approve; and if he shall fail or neglect to file such bond within ten days after being so required, such failure and neglect shall be deemed a vacation by him of said office, and the said board may proceed to fill such vacancy in the manner heretofore provided. The marshal shall hold his office until the second Monday in March succeeding his appointment, and until his successor is appointed and qualified, unless a vacancy is caused by his death, resignation, removal from office or from the village, or neglect or failure to file a bond when required by the village board. The village board may also appoint such other officers for said village, as they may deem necessary, and fix the compensation for their services, who shall hold their offices during the pleasure of the village board, and said village board may at any time remove any of said officers so appointed by

Section amended.

Election of off-
cers, terms of
office of, etc.If election not
held at time
designated,
etc.Election of
marshal.

Oath of.

Bond.

Term of office
of.Other appoint-
ive officers, etc.

them, including marshal, and may at any time vacate and abolish such office.

General powers
of president
and trustees to
enact ordi-
nances, etc.

SEC. 8. The president and trustees shall have power to ordain and establish by-laws, rules, and regulations, and to alter and repeal the same at pleasure for the following purposes, to wit: Prescribing the duties of officers [appointed] by them; for the preservation of the public places, property, and buildings of said village; to regulate the police thereof; to preserve the public peace; to prevent riots, disturbances, and disorderly assemblages; to appoint watchmen and policemen, and organize and maintain a fire department and define their duties, and prescribe penalties for their delinquencies; to restrain, apprehend, and punish vagrants, mendicants, intoxicated persons, and all disorderly persons; to punish lewd and lascivious behavior in the street and other public places; to suppress disorderly and gaming houses, billiard tables, and other devices and instruments of gaming; and shall have exclusive power to license such persons as tavern keepers, restaurant keepers, and common victualers, as they shall think best, and to regulate and prevent the vending or other disposition of liquors and intoxicating drunks in violation of the laws of the State; but no license shall be in force longer than the second Monday of March following the granting thereof; to prevent the selling or giving away of spirituous or fermented liquors to drunkards, minors, or apprentices; to prevent and punish immoderate riding or driving in any street or over any bridge, and to authorize the arrest and detention of any person who shall be guilty of the same; to abate, prevent, and remove nuisances; to suppress disorderly houses and houses of ill-fame, and to punish the inmates and keepers thereof; to prevent and compel the removal of all incumbrances, encroachments, and obstructions upon the streets, walks, lanes, alleys, bridges, parks, and public grounds within said village; to compel the owners or occupants of lots to clear sidewalks in front of or adjacent thereto of snow, ice, dirt, mud, boxes, and every incumbrance or obstruction thereto; to regulate the storage of powder, lumber, or other combustible material; to prevent the use of fire arms, slung-shots, and other weapons and fireworks; to construct and regulate markets; to regulate the vending of meats, vegetables, fruits, fish, and provisions of all kinds; to regulate the sale of hay, wood, lime, lumber, and coal; to regulate the gauging of vessels containing liquor, and sealing of weights and measures; to regulate and maintain one or more pounds, and to provide for the restraint of horses and cattle, sheep, swine, and other animals, geese and other poultry, and to authorize the taking up, impounding, and sale of the same for the penalty incurred, and the costs of keeping and impounding, and to punish for the rescuing the same before all costs and charges are paid; to prevent the running at large of dogs; to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance; to regulate and license cartmen, ferrymen, porters, hacks, and cabs, and to regulate their rates of compensation; to prevent "runners" from soliciting travelers; to

construct hydraulic works to supply the village with water; to ~~Item.~~ light the streets; to borrow money for public improvements not exceeding one thousand dollars in any one year; to establish wells and cisterns, and to prevent the waste of water; to regulate and prohibit bathing in the public waters within said village; to purchase grounds for and regulate cemeteries and the burial of the dead, and to provide for the return of bills of mortality, and to order the use for burial purposes of any burial grounds or cemetery to be discontinued whenever they may deem the same necessary for the best interest or health of the citizens; to ascertain, establish, and settle the boundaries of all streets, alleys, and public grounds, and to establish grades therefor; to order and cause to be drained, or filled any low or marshy land; to cleanse and regulate any grounds, yards, basins, cellars, or vaults within said village that may be sunken, damp, foul, encumbered with rubbish, or unwholesome, and to assess the cost and expense thereof on the premises benefited; to establish lines upon which buildings may be erected, and beyond which such buildings shall not extend; to prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations relative to buildings deemed unsafe; to regulate the building of fences on the lines of streets and alleys; to establish fire limits within which no wooden building shall be built, moved, or enlarged; to regulate party walls, chimneys, flues, and the putting up of stoves and stove pipes, and other things that may be deemed dangerous in causing or promoting fire; to purchase and keep in order fire engines and other fire apparatus, and construct buildings to store them; to cause each building occupied as a house, store, or shop to be provided with fire buckets and ladders, and to organize, maintain, and regulate all such fire engines, hook and ladder, hose and bucket companies as may be deemed expedient, and may appoint from among the inhabitants of said village such number of men willing to accept as may be deemed proper and necessary to be employed as firemen, and every such company may make their by-laws and rules for the organization of the company, subject to the approval of the village board; to regulate the duties, powers, and fees of village officers; to prescribe the setting of posts and shade trees; to provide for the construction, repairing, and renewing of sidewalks, the grading, graveling, paving, repairing, amending, and otherwise improving the walks, streets, and alleys, and to prescribe the manner in which the same shall be done: *Provided*, They shall not hereafter order the construction of any sidewalk outside of the limits of the original plat of said village, as recorded in the register's office for the county of Ionia, except on the petition of at least one-third of the property owners along the line of the proposed walk; the expense of grading sidewalks, and of the superstructure, whether it be of plank, stone, or other material, and of maintaining the same, and the expense of paving streets, to be assessed upon the lots in front of or adjoining each and all such improvements which shall be made: *Provided further*, That so much money belonging to the highway fund of said village as the president and trustees may direct, may

General powers
of president
and trustees to
enact ordi-
nances, etc.

be expended for grading. If the owner or occupant shall neglect or refuse to make, repair, or reconstruct any sidewalk adjoining his, her, or their premises, within such time as the village board shall prescribe after notice to do such work shall have been posted on the premises in front of which sidewalk is to be made, repaired, or reconstructed, it shall be lawful for said village board to cause the same to be done at the expense of the village corporation; an account of the expense thereof shall be kept by the village marshal, and within five days after the completion of the work shall be returned to the village clerk; which account shall be verified by the affidavit of said marshal, which affidavit shall also contain a statement of the time, place, and manner of posting the notice to do said work, and a copy of said notice shall be annexed thereto, and shall contain a description of the parcel of land adjoining which said sidewalk was made, repaired, or reconstructed, and the name of such owner or occupant of such land if known, and if not known he shall so state; and the said affidavit so returned and filed shall be *prima facie* evidence of the facts therein contained in all courts, places, and proceedings; and the expense of making, repairing, or reconstructing said sidewalks shall be a lien upon said adjoining premises to the amount thereof from the time of filing said affidavit until the same is paid. It shall be the duty of the village clerk on the first Monday in August, November, February, and May in each year, to place the amount of such expense, then remaining unpaid, in an assessment roll, which assessment roll shall contain the name of the owner or occupant if known, the description of the property assessed, and the amount of such assessment, and present the same to the village board on or before the second Monday of said months. On the third Monday of each of said months the village board shall meet to hear any appeals from said assessments, and said board may rectify, correct, and amend said assessments and roll, and shall hear all appeals therefrom, and when rectified, corrected, or amended, or if no corrections or amendments are made, they shall ratify and confirm the same; and the president shall, within ten days thereafter, annex his warrant to said roll, which shall command the marshal to collect the same within sixty days from the date thereof. The powers and duties of said marshal relative to the collection of said assessments provided for by this section shall be the same as is provided for by section fourteen of this act, and the collection thereof may be enforced in case any of the assessments are returned as delinquent for non-payment thereof to the treasurer in the same manner as is provided by this act for the sale of lands for delinquent taxes, and all of the provisions of sections fifteen, sixteen, seventeen, and eighteen of this act shall apply to said assessments and the manner of enforcing the same; and the said president and trustees shall have power to ordain and establish by-laws, rules, and regulations, and to alter and repeal the same at pleasure for the following purposes, to wit: To build bridges and street crossings, and construct sewers, drains, and culverts, and keep the same in repair; to lay out, establish, open, extend, widen, straighten, alter, close, and vacate

such streets, highways, alleys, lanes, water courses, squares, market ~~idem.~~ places, and public parks in said village, as they shall deem necessary for the public good and convenience, under the restrictions provided for in this act; to regulate the covering of mill races at the expense of the owners thereof; to rail and curb, when necessary, all walks at the expense of the owners of the adjoining lots; to license and regulate auctioneers, auction sales, and gift enterprises, hawkers, hucksters, peddlers, and pawnbrokers, and to license and regulate the peddling and sale of jewelry, goods, merchandise, and other property, by hand, hand cart, show cage, show stand, or otherwise, in the public streets; to prohibit, restrain, regulate, and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money; to provide for removing of drift wood, and clearing Grand river, and all mill races and ponds within the limit of said corporation, and to prevent the placing therein of any filthy or impure matter tending to render the water thereof unwholesome; to regulate or prohibit the erection and use of slaughter houses within the limits of said village; to prevent the violation of the Sabbath and to require all saloons, drinking houses, shops, and other places of business to be closed on the Sabbath day, and at reasonable hours of the night on week days; to provide for taking a census whenever they shall see fit; to prescribe the levying of highway and other taxes; to levy taxes upon all personal and real estate within the limits of the village, excepting places of public worship belonging to any church or congregation, all grounds and buildings used exclusively for educational purposes, and all property belonging to the village, town, county, or State; but it shall not be lawful to levy in any one year an amount exceeding one per centum on the assessed valuation of the real and personal property of said village exclusive of assessments for constructing and maintaining sidewalks and other special taxes, and such levy of taxes shall be made on or before the second Monday of November of each and every year; to provide for a village jail in which it shall be lawful to confine persons arrested for violation of any village ordinance or by-law until the conclusion of their trial. If only a fine, penalty, or forfeiture, with costs to be imposed, the offender may be sentenced to be imprisoned until the payment thereof, for a term not exceeding six months. All punishment for offenses against the ordinances of the village board shall be prescribed in the ordinances enacting or specifying the offense to be punished, and no penalty, fine, or forfeiture shall exceed three hundred dollars, and no imprisonment shall exceed the period of six months, and when by the provisions of this act the president and trustees have authority to pass ordinances on any subject, they may prescribe a fine, penalty, or forfeiture not exceeding three hundred dollars for a violation thereof, and may provide that the offender on failure to pay the fine, penalty or forfeiture imposed shall be imprisoned in the county jail of Ionia county, or in the village jail of the village of Saranac for any term not exceeding six months, and the said fines, penalties, and

General powers of president and trustees to enact ordinances, etc. forfeitures may be recovered and imprisonment imposed before and by any justice of the peace of the township of Boston; and any interest the inhabitants of said village may have in the fine or penalty to be recovered shall not disqualify any of them to try said cause or to serve as jurors or witnesses therein; and the circuit court for the county of Ionia shall have exclusive jurisdiction to try and determine all causes brought for the recovery of any fine or penalty where the sum imposed shall exceed the sum of one hundred dollars and appellate jurisdiction in other cases: *Provided*, That all suits and prosecutions for the violation of the provisions of this act, or of any ordinance or by-law made in pursuance of such provision, or to recover any fine, penalty, or forfeiture for such violation may be brought in the name of the people of the State of Michigan, and conducted in the same manner as near as may be as criminal proceedings in other cases, or such fine, penalty, or forfeiture may be recovered in the name of the president and trustees of said village in an action of debt, and in any such suit or prosecution it shall not be necessary to set forth in the complaint and warrant the ordinance or by-law or any section thereof, the provisions of which are alleged to have been violated, except by its title; but it shall be sufficient to state in the complaint and warrant, with reasonable certainty of time and place, the act, violation, or offense complained of, and to allege the same to have been committed in violation of any ordinance or by-law, as the case may be, of the village of Saranac, referring thereto by its title; and all process issued by any justice of the peace in any such suit or proceeding shall be directed to the marshal of the village of Saranac, or to any constable of the county of Ionia, and the same may be executed within the same or any adjoining county.

This act is ordered to take immediate effect.
Approved May 24, 1883.

[No. 311.]

AN ACT to repeal act number two hundred and fifty-nine of the session laws of eighteen hundred and seventy-one, entitled "An act to incorporate the village of Williamston," and to re-incorporate the village of Williamston under the general law.

Territory reincorporated.

SECTION 1. *The People of the State of Michigan enact*, That the territory described as follows, to wit: The southeast fractional quarter of fractional section number thirty-five (35), and all that part of the east half of southwest fractional quarter of fractional section number thirty-five (35), lying south of Cedar river, and all that part of the west half of southwest fractional quarter of said section numbered thirty-five (35) lying south of Lansing and Howell gravel road, the east thirty rods in width off the east end of the south half of the northeast quarter of said section thirty-five (35), the south half of the south half of the northwest quarter of fractional section thirty-six (36), and the southwest fractional

quarter of fractional section thirty-six, all in township number four north, of range number one east, and the northwest fractional quarter of fractional section number one and the northeast fractional quarter and all that part of the northwest fractional quarter of fractional section number two in township number three north, of range number one east, lying north of the Detroit, Lansing and Northern railroad in the county of Ingham, be and the same is hereby re-incorporated as a village by the name of the village of Williamston.

SEC. 2. The officers of said village now in office shall continue in office with the same powers and duties as conferred by the original act of incorporation and the general law upon like officers, until their successors shall be elected pursuant to the provisions of this act and the general law relating to villages, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five.

SEC. 3. All ordinances and resolutions of said village of Williamston shall continue in force until repealed by the common council of said village, and said village shall for the purposes of the enforcement of any ordinance be entitled to the use and benefits of the common jail of the county of Ingham.

SEC. 4. The first election of officers under this act shall be held Election of officers. under the provisions of the general law for villages at such time and place as shall be fixed by the present board of trustees of said village in the spring of eighteen hundred and eighty-four, and all the provisions of law relating to village elections, registration therefor, and notice thereof shall be applicable to such election except as herein otherwise provided.

SEC. 5. The said village of Williamston is hereby made subject General law governing. to and incorporated under the provisions of "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and all acts amendatory thereof. Said village shall possess all the powers and be subject to all the duties and liabilities imposed by said act. The village as re-incorporated shall possess all the property and rights and be subject to all the liabilities and obligations of the village as heretofore incorporated.

SEC. 6. Act number two hundred and fifty-nine, of the session Act repealed. laws of eighteen hundred and seventy-one, entitled "An act to incorporate the village of Williamston," is hereby repealed, saving all rights acquired or benefits accruing thereunder.

SEC. 7. For the purpose of building, maintaining, and repairing Bridges, etc. bridges across Cedar river and Deer creek within the limits of said village, the townships of Williamston and Wheatfield and the said village shall be deemed the townships of Williamston and Wheatfield as the said townships existed before the incorporation of said village, and shall be subject to all the provisions of the general laws of this State relative to building, maintaining, and keeping in repair such bridges, and in no case shall the said village be liable or bound to build, maintain, or keep in repair such bridges.

This act is ordered to take immediate effect.

Approved May 24, 1883.

[No. 312.]

AN ACT to regulate the manner of electing trustees in school district number seventeen, of the city of Jackson, and township of Blackman.

Election of
trustees.

SECTION 1. *The People of the State of Michigan enact,* That on the Saturday next preceding the time of holding the annual meeting of said district, in each year, the qualified voters of said district shall elect two trustees by ballot, who, with the four holding over, shall constitute the board of trustees of said district, and at the same time, and in the manner hereinafter provided, the said electors shall fill by election any vacancy or vacancies which may exist in the said office of trustee.

Board of.

Inspectors of
election of
trustees.

SEC. 2. That the moderator and director of the district board of said school district, or in case of their inability to act, such other two members of said board, or other suitable person, being qualified electors of said district, as such board of trustees shall designate, shall constitute a board of inspectors for the purpose of conducting the annual election of trustees of said district.

Clerks of
election.

Compensation
of inspectors
and clerks.

Ballot box,
polls, etc.

Electors.

Vote to be by
ballot, etc.

Challenging of
voters, etc.

SEC. 3. Said board of inspectors shall, before opening the polls, appoint two suitable persons to act as clerks of the election, and each of said clerks so appointed, shall take the constitutional oath of office, which oath either of said inspectors may administer, and each clerk so appointed, and each inspector so acting, shall receive two dollars for his services at said election, to be paid by the treasurer of said board.

SEC. 4. The said board of inspectors shall provide a box at the expense of said district, and open the polls at some room in the central school building, in said district, and notice shall be given of the time and place of such election, with notice of the annual meeting of said district; said polls shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and continue open until eight o'clock in the afternoon of said day.

SEC. 5. The qualified electors of said district shall be the same as are, or may be hereafter provided by law for election in school districts, and the electors shall vote by ballot, and such ballot may contain the name of two persons to be elected to such office of trustee, and of any person or persons for whom he may desire to vote to fill a vacancy which may exist in the office of trustee, adding with each name the words "to fill vacancy," and if there be two vacancies for terms of different lengths, adding also after the word "vacancy," the words "for one year," or for "two years," as the elector may desire, but no elector shall have the right to cast two ballots for one person, for such office, and each person offering to vote, shall deliver his ballot folded to one of the inspectors, in presence of the board, who shall deposit the same unopened in the ballot box.

SEC. 6. If any person offering to vote at such election shall be challenged as unqualified by any legal voter of said district, one of said inspectors shall declare to the person so challenged, the qualifications of a voter, and if such person shall state that he is quali-

fied, and the challenge shall not be withdrawn, the said inspector shall tender him the oath prescribed by the primary school laws of this State then in force.

SEC. 7. If any person so challenged shall refuse to take the oath ^{False oath,} prescribed, his vote shall be rejected, and any person who shall ^{perjury.} willfully take a false oath, or make a false affirmation, under the provisions of the preceding section shall be deemed guilty of perjury.

SEC. 8. Each of the clerks of said election shall keep a poll list, ^{Poll list, canvass} of vote, etc. which shall contain the names of all the persons voting at such election, and at the close of the polls the inspectors shall immediately proceed to canvass the votes, and ascertain the result of the election, which canvass shall be public, and the two persons found to have received the largest number of votes shall be deemed to be duly elected trustees; and in like manner they shall canvass and declare the vote for persons voted for to fill vacancies in the said office of trustees, and the person or persons receiving the greatest number of votes shall be deemed duly elected to fill such vacancy or vacancies.

SEC. 9. The inspectors of such election shall, at the annual school meeting next thereafter, present to such annual school meeting, in writing, a certified statement signed by them of the number of votes cast at such election, and the result thereof, and it shall be the duty of the secretary to make a record of said certificate, with the proceedings of said meeting.

This act is ordered to take immediate effect.

Approved May 24, 1883.

[No. 313.]

AN ACT to change the name of Spring Harbor, Charlevoix county, to Bay Springs.

SECTION 1. *The People of the State of Michigan enact,* That ^{Name changed.} the name of the village of Spring Harbor, in the county of Charlevoix, be and is hereby changed to Bay Springs.

This act is ordered to take immediate effect.

Approved May 31, 1883.

[No. 314.]

AN ACT to detach certain territory from the present township of Greenland, in Ontonagon county, and to organize the same into a separate township, to be known as the township of Bohemia, in said county.

SECTION 1. *The People of the State of Michigan enact,* That the following lands and territory in the township of Greenland, in the <sup>Township of Bohemia organ-
ized.</sup> county of Ontonagon, described as follows, to wit: Townships fifty (50), fifty-one (51), fifty-two (52), fifty-three (53), and fifty-

four (54) north, of range thirty-seven (37) west, be and the same is hereby detached from the township of Greenland, in Ontonagon county, and organized into a separate township to be known as the township of Bohemia, in said county.

First election of officers.

SEC. 2. The first election for township officers in said township shall be held at the office of the Belt mines on the first Monday in July, eighteen hundred and eighty-three, notice of which shall be posted in three public places in said township by the board of registration hereinafter appointed at least ten days prior to said election; said notice shall also be published at least once prior to said election in the Ontonagon Herald, a newspaper published in Ontonagon county.

Board of registration and inspectors.

SEC. 3. John Tuvarrow, Harry Letcher, and Peter Waters are hereby constituted a board of registration and a board of inspectors of elections for the purpose of registering voters and examining votes for the first election to be held in said township, and the said board of registration are hereby required to meet at the office of the Belt mines aforesaid, on the Saturday preceding the first Monday in July, eighteen hundred and eighty-three, aforesaid, and register the names of all persons residents of said township, presenting themselves for registration, and having the qualifications of voters at annual township meetings; and the said board of registration shall cause notice of said meeting to be posted in three public places in said township at least ten days previous thereto. The polls of said election shall be opened at nine o'clock in the forenoon, and the electors present at the opening of the polls may fill any vacancies that may arise by reason of the absence of any or all of the inspectors of election herein appointed to conduct said election, and in all other respects said first election shall be conducted under the general laws of this State.

General laws governing.

SEC. 4. Said township shall be governed by the general laws as are other townships in this State.

Ordered to take immediate effect.

Approved June 1, 1883.

[No. 315.]

AN ACT to legalize the action of the electors of Oronoko, Berrien county, in voting to raise money by tax or by loan to erect a town hall, and to authorize the payment of its indebtedness incurred thereby.

Action of electors legalized, etc.

SECTION 1. *The People of the State of Michigan enact,* That the action of the electors of the township of Oronoko, in the county of Berrien, in voting by ballot at the regular township election held therein, on the second day of April, in the year of our Lord one thousand eight hundred and eighty-three, after due notice was given to raise money by tax and by loan to erect a town hall therein is hereby declared to be legal and valid, and all indebtedness for building such town hall is hereby made a legal charge

upon such township: *Provided*, That the total expense of purchasing a site, building and furnishing such town hall to be paid by taxes and by loan together shall not exceed the amount of one per cent on the assessed valuation of said township for the year one thousand eight hundred and eighty three.

SEC. 2. The town board of said township is hereby authorized to provide for the payment of all loans made necessary for building and furnishing such town hall, which together with the taxes already appropriated shall not exceed the amount above specified, and for that purpose may issue the bonds of said township in sums not exceeding one thousand dollars payable one each year, and bearing interest at a rate not exceeding seven per cent per annum, and shall provide for the levying of all taxes needed for the payment of the interest and principal of the same.

Ordered to take immediate effect.

Approved June 1, 1883.

Town board to provide for payment of loans, etc.

[No. 316.]

AN ACT to incorporate the public schools of the township of Maple Ridge, Alpena county.

SECTION 1. *The People of the State of Michigan enact*, That the territory embraced within the township of Maple Ridge, in the county of Alpena, be and the same is hereby set off from the public schools of the township of Long Rapids, and declared to be a single school district, which shall be a body corporate by the name and style of "the public schools of the township of Maple Ridge," and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of this State relating to corporations, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon school districts and union school districts by the general laws. And all schools in said district and all schools hereafter organized therein in pursuance of this act, under the directions and regulations of the board of education, shall be public and free to all persons actual residents within the limits thereof above the ages of five years.

Territory
embraced in
school district.

Schools to be
under the direc-
tion of board of
education.

SEC. 2. The officers of said district shall consist of four trustees, *Trustees*, who shall constitute the board of education of said district, and whose term of office shall be two years each and until their successors are elected and qualified. Said trustees shall be elected by *Election of* ballot at the annual township meeting of the township of Maple Ridge, upon the same ticket and canvassed in the same manner as township officers required by law to be elected by ballot: *Provided*, That a special election shall be held in said township within sixty days after this act shall become operative, to be held at the place where the last preceding township election was held, and conducted and canvassed by the same officers and in the same manner as elections for township officers; notice of the time and place of such

Proviso in
reference to
special election.

- Notice of.** election shall be given by the township clerk by printed or written notices posted up in five public places in said township at least ten days before the holding of such election. At such special election there shall be elected four trustees of said district by the electors thereof, two of whom shall hold their office until the first annual meeting provided for in this act and until their successors are elected and qualified, and two of whom shall hold their office until the second annual meeting provided for in this act and until their successors are elected and qualified. Said trustees to be designated on the ticket or ballot "for member of board of education."
- Trustees to be elected at special election.**
- Notice to persons elected, oath of office, etc.**
- Proviso.** SEC. 3. Within five days after such special or annual election the township clerk shall notify, in writing, the persons elected trustees under this act of their election, and within five days thereafter said trustees so elected shall take and subscribe the oath of office prescribed by the eighteenth article of the constitution before the township clerk or some other officer authorized to administer oaths, and file the same with said township clerk, who shall record the same in the record of proceedings to be kept by said board of education: *Provided*, That in case the township clerk shall fail to give the notice in this section required, then the persons so elected may at any time on or before the third Monday of April succeeding the annual township election at which they are elected take and subscribe said oath of office, and file the same as hereinbefore prescribed, and the term of office of the trustees of said district, other than those elected at such special election, shall commence on the third Monday of April following the annual township election at which they are elected.
- Township clerk, to be clerk of board.** SEC. 4. The township clerk of said township of Maple Ridge shall be *ex officio* clerk of said board of education, and shall perform such duties as the board may require, but shall not be entitled to vote therein, and in case of the absence of said clerk the board may, by resolution, choose some suitable person to perform such duties.
- Organization of board.** SEC. 5. The said trustees shall meet within sixty days after such special election and on the third Monday of April in each year at the township clerk's office, and organize by electing from their own number a president and treasurer, who shall severally hold their offices for one year from said third Monday in April, and until their successors are elected and qualified, and may at any time fill by a new election any vacancies that may occur in the office of trustee until the next annual election, and each trustee so chosen shall within ten days thereafter file with the clerk of said board the oath of office as prescribed in section three of this act.
- Quorum.** SEC. 6. The majority of the members of said board shall constitute a quorum, and the regular meeting of said board shall be held on the third Monday of April, August, December, and March in each year, and no notice of such meetings of said board shall be required, and the president and clerk or any two members of said board shall be sufficient to adjourn any meeting from time to time until a quorum be present, and special meetings of said board may be called at any time on the request of the president or two mem-
- Regular meetings of board.**
- Special meetings.**

bers of said board, in writing, delivered to the clerk; and the clerk upon receiving such request, shall at once notify in writing, each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such requests by said clerk. All ^{Where meetings held.} meetings of said board shall be held at the township clerk's office, unless otherwise directed by resolution of the board. All the ^{Records, etc.} records and papers of said district shall be kept in the custody of said clerk, and shall be open to the inspection of any legal voter of said district.

SEC. 7. The board of education shall provide for and pay to the public schools of the township of Long Rapids such proportion of the indebtedness of said public schools of the township of Long Rapids as existed on the twenty-sixth day of January, eighteen hundred and eighty-three, as the assessed valuation of the property of said township of Maple Ridge, as shown by the assessment roll for the township of Long Rapids for the year eighteen hundred and eighty-two, bears to the whole valuation of property in said township of Long Rapids. And said public schools of the township of Maple Ridge shall be entitled to a credit upon such indebtedness to the extent of their proportion of the unexpended funds or taxes of said public schools of the township of Long Rapids on said twenty-sixth day of January, eighteen hundred and eighty-three, to be determined upon the same basis as the indebtedness aforesaid, and all the school property, real and personal, within the limits of said township of Maple Ridge heretofore belonging to the public schools of the township of Long Rapids, shall by force of this act become the property of said public schools of the said township of Maple Ridge hereby organized: *Provided*, That such ^{Proviso.} division of property, debts, and credits shall be an equal and equitable division between said districts on the basis of assessed value as shown by said assessment roll of said township of Long Rapids.

SEC. 8. The board of education of said district shall have power ^{Powers and duties of board.} and authority to designate and purchase school-house sites, erect buildings, and furnish same, with a majority vote of said district, and shall have power of themselves to employ teachers, provide books for district library, to make by-laws relative to taking the census of all children in said district between the ages of five and twenty years, to make all necessary reports and transmit the same to the proper officers as designated by law, so that said district may be entitled to its proportion of the primary school fund, and said board shall have authority to make all needful regulations and by-laws relative to visitation of schools, relative to regulations of schools and the books to be used therein, and generally do all things needful and desirable for the maintenance, prosperity, and success of the schools of said district and the promotion of the thorough education of the children thereof; and it shall be the duty of such board to apply for and receive from the county treasurer or other officer holding the same, all moneys appropriated for primary schools and the district library of said district, and may

Board to make estimate of amount necessary to be raised by taxes, etc.

adopt such by-laws and rules for their own procedure as they may deem necessary.

Clerk of to certify amount to supervisors.

SEC. 9. The board of education shall at their regular meeting on the third Monday of August in each year, make an estimate of the amount of money deemed necessary to be raised by taxes for the ensuing year for all purposes of expenditure within the powers of said board, which estimate shall specify the amounts required for the different objects of expenditure, and such estimate shall be entered in the record of proceedings of said board; and the clerk of said board shall within twenty days thereafter make a written report of the amount of taxes so deemed necessary and certify the same to the supervisors of said township of Maple Ridge, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected, and returned in the same manner as other township tax: *Provided*, That for purchasing school lots and for erecting school-houses no greater sum than five mills on the dollar of all the taxable valuation of the real and personal property in said district shall be levied in any one year.

Duties of treasurer.

SEC. 10. The treasurer of said board shall have the keeping of all school and library moneys and shall not pay out the same without the authority of said board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president, and said treasurer shall, before entering upon the duties of his office, give a bond to said district in such sum and sureties as said board shall determine, conditioned for the faithful performance of his duties and honest accounting for all moneys coming into his hands belonging to said district.

Board to be board of school inspectors.

Inspection of teachers.

SEC. 11. The said board shall be the board of school inspectors for said district, and shall as such report to the clerk of the county of Alpena. And all teachers employed by said board of education shall first be inspected by a committee of the board, and if found qualified shall receive a certificate in the form which may be prescribed by said board, and no other inspection or certificate shall be required to authorize such a person to teach within said district.

Annual statement of board.

SEC. 12. The said board shall annually, on the third Monday of March in each year, make a detailed statement of the number of schools in said district, the number of teachers employed, and the number of pupils instructed therein, during the preceding year, and the expenditures of said board for all purposes, and also the resources and liabilities of said district, which report or statement shall be entered at length in the record of said board, and shall be publicly read by the president of said board, or in his absence by the clerk thereof, to the electors of the said township of Maple Ridge, at their annual township meeting on the first Monday of April thereafter, at the hour of twelve o'clock, noon.

Treasurer of Maple Ridge to report, etc.

SEC. 13. The treasurer of the township of Maple Ridge shall at any time, at the written request of said board of education, report to said clerk the amount of school money in his hands, and shall, on the order of the president of said board, pay to the treasurer of said board all such money, taking his receipt therefor, and

also a duplicate receipt, which he shall file with the clerk of said board.

SEC. 14. All taxes assessed within said township of Maple Ridge ^{School taxes to be in separate column, etc.} for school purposes, shall be set forth in the assessment roll of said township in a separate column, apart and distinct from all other township taxes.

SEC. 15. The board of education or a committee thereof, consisting of the president, clerk, and one other member, shall, on Tuesday next following the third Monday of April, in the year one thousand eight hundred and eighty-three, meet with the board of trustees of the public schools of the township of Long Rapids, at the township clerk's office in the township of Long Rapids, and adjust all matters between said districts on the basis hereinbefore provided, and such adjustment shall be final: *Provided*, That in *Proviso*, case such meeting shall not be held upon said Tuesday following the third Monday of April, then it shall be lawful for either of the boards of said districts to give ten days' notice of such meeting at said clerk's office, and this meeting shall be as valid as if the same had been held on the said Tuesday following the third Monday of April.

SEC. 16. The compensation of the trustees of said district shall be ^{Compensation of trustees.} one dollar and fifty cents for each day's actual service rendered for said district, and the clerk of said board shall receive such compensation for his services as said board may determine, not exceeding one hundred dollars per annum.

SEC. 17. All acts relating to the district of Long Rapids and ^{Acts repealed.} parts of acts inconsistent with this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 2, 1883.

[No. 317.]

AN ACT to organize a public library in West Bay City.

SECTION 1. *The People of the State of Michigan enact*, That the resident clergymen of the following church organizations, that are now organized or shall hereafter be organized in West Bay City, viz.: The Presbyterian church, the Methodist Episcopal church, the Baptist church, the Congregational church, the Episcopal church, the Catholic church, the German Lutheran church, the Swedish church, the Universalist church, and each of them which maintain an organization in said city, the principal of the public schools of school district number two of said city, the chairman of the board of trustees of school district number two in said city, the mayor of said city, and five citizens of said city, to be provided for as hereinafter authorized, shall be a board of trustees for the public library of said city, and are and shall be authorized to purchase, or ^{who to constitute board of trustees.} to receive by gift, grant, or conveyance, property, real and personal, ^{May purchase, etc., property.} for the purpose of maintaining a public library in said city; and all public moneys which are now, or shall be hereafter appropriated

by law to the support of a public library in said city, or to school district number two of said city, shall be expended under the direction of said board of trustees; and the title to all property purchased therewith shall vest in such board of trustees, for the use and benefit of said city; and the library shall be known as the Sage library of West Bay City.

**City treasurer
to be treasurer
of board.**

**How money
paid out, and
for what pur-
poses.**

**Annual tax to
be raised by
city for books,
etc.**

**Appropriation
for janitor,
librarian, etc.**

**Library to be
free circulating
library, etc.**

**Proviso in ref-
erence to fines.**

**When to be kept
open.**

**Acquisition, etc.,
of property.**

**Property exempt
from execution,
etc.**

SEC. 2. The treasurer of said city shall be treasurer of such board of trustees, and no money legally appropriated to the support of said public library shall be paid out by said treasurer except in pursuance of an order of said board of trustees upon a warrant signed by the president of said board and countersigned by the secretary thereof. Said board of trustees shall not expend any of said money for any purpose other than the building up and maintenance of said library, or the building and grounds connected therewith.

SEC. 3. The common council of said city shall annually raise by tax on the real and personal property within said city, the sum of six hundred dollars, which amount the said council may in its discretion, raise to a sum not exceeding one thousand dollars, which money shall be appropriated for the annual additions of books to said library, and for binding, repairing, and caring for the same. Said council shall also appropriate from the moneys raised for general purposes in said city, each year, a sum sufficient to pay for the services of a janitor and a librarian, and to keep said library and reading room attached thereto properly heated and lighted from eight o'clock in the morning to nine o'clock in the evening of each week day in the year; such taxes shall be levied and collected in the same manner as the money raised to defray the general expenses of the city.

SEC. 4. The said board of trustees shall keep and maintain said library as a free circulating library for the use of the inhabitants of said city over twelve years of age, and they may make all such reasonable rules and regulations relating to the use of such library as they may deem expedient; to that end they may impose and collect fines for detaining books longer than a certain time, for mutilating, or destroying, or in any way injuring any book: *Provided*, That no fine shall in any case exceed twice the value of the book so mutilated, lost, detained, or destroyed, and they may require security to be given for a faithful compliance with the said regulations before such person shall be permitted to take books from said library. Such library and reading room shall be by said board kept open during each work day in the year, so that patrons thereof can with comfort occupy said rooms for reading, or lectures, or debates, under such rules and regulations as may be prescribed by said board of trustees.

SEC. 5. Said board of trustees shall have power to acquire and hold such property as may be suitable or convenient for the purposes of a library, and to receive gifts and legacies of either real or personal property. The property of said board shall be exempt from execution or any other judicial process and shall be also exempt from all taxes and assessments. Said board of trustees shall annu-

ally, in the month of March, make and publish a report showing ^{Annual report.} the condition of its library, and the manner in which all money received by it during the current year has been expended: *Pro-
vided,* That said trustees shall not contract any indebtedness in any year beyond the amount provided for in this act, without the consent of the common council of said city.

SEC. 6. In case Henry W. Sage, of Ithaca, New York, shall give or convey a building, grounds, and library to the said board of trustees, he is hereby authorized, and may appoint five citizens of said city as members of said board of trustees, who shall hold office for a term of five years from the date of such appointment, which appointment shall be filed with the recorder of said city. Such one of the said five trustees as shall be designated by said Henry W. Sage, shall be president of said board of trustees, and the secretary of said board shall be appointed by the board of trustees, and such secretary shall hold his office during the pleasure of the board of trustees. At the end of the term of five years, for which said citizens shall be appointed by said Henry W. Sage, the said board shall appoint five trustees in place of the aforesaid five trustees appointed by said Henry W. Sage, whose terms of office, when then first appointed, shall be as follows: One for one year, one for two years, one for three years, one for four years, and one for five years, and at the expiration of the term of each out-going trustee there shall be appointed one member for five years by the members of the boards [board] of trustees; and after the said term of five years, the president of such board shall be elected annually by the board of trustees.

SEC. 7. The books, pamphlets, papers, book-cases, and property now belonging to school district number two of said city, which are now held and controlled by said school district, may be transferred to the care, custody, and control of said board of trustees, whenever said board shall have obtained a building and library of their own, pursuant to this act.

SEC. 8. In case any member of the board of trustees shall remove from the city of West Bay City, he shall vacate his office by so doing, and in case such vacancy shall be caused by the removal of any clergyman of any of said church societies, his successor shall become a member of the board, and in case a vacancy shall be caused by the death, resignation, or removal of one of the trustees, other than the resident clergyman, the principal of the said school, the chairman of the board of trustees of said school district, or the mayor of the city, the board shall fill such vacancy by appointment.

This act is ordered to take immediate effect.

Approved June 5, 1883.

[No. 318.]

AN ACT to provide for the levying and collecting of a school tax in Novi, Oakland county, upon the taxable property therein of fractional school district number two (2) of Plymouth, Wayne county, and Novi.

Assessment of taxes for school purposes.

SECTION 1. *The People of the State of Michigan enact,* That it shall be the duty of the supervisor of the township of Novi, in Oakland county, to assess upon so much of the taxable property of fractional school district number two (2) of Plymouth and Novi, as lies in the township of Novi, in addition to the regular tax authorized for the year one thousand eight hundred and eighty-three for school purposes, the sum equitably due from said portion of fractional school district number two, which lies in the township of Novi, and that the same be spread on the tax roll of the township of Novi for collection in the year one thousand eight hundred and eighty-three.

Ordered to take immediate effect.

Approved June 5, 1883.

[No. 319.]

AN ACT to amend sections seventeen and eighteen of act number three hundred and sixty-one of the local acts of eighteen hundred and seventy-nine, entitled "An act to amend section four of an act entitled an act to incorporate the public schools in the city of Battle Creek," approved March seventeen, eighteen hundred and seventy-one, being act number four hundred and ninety of the session laws for the year eighteen hundred and seventy-one, and the amendments thereto, approved May twelve, eighteen hundred and seventy-seven, and to add thereto eight new sections, to stand as sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, and twenty, approved May one, eighteen hundred and seventy-nine.

Sections amended.

SECTION 1. *The People of the State of Michigan enact,* That sections seventeen and eighteen of act number three hundred and sixty-one of the local acts of eighteen hundred and seventy-nine, entitled "An act to amend section four of an act entitled 'An act to incorporate the public schools in the city of Battle Creek,' approved March seventeenth, eighteen hundred and seventy-one, being act number four hundred and ninety of the session laws of eighteen hundred and seventy-one, and the amendments thereto, approved May twelfth, eighteen hundred and seventy-seven, and to add thereto eight new sections to stand as sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, and twenty," approved May first, eighteen hundred and seventy-nine, be and the same are hereby amended so as to read as follows:

SEC. 17. The qualifications of male electors shall be the same as Qualifications of electors at general elections, and the qualifications of female electors and of persons holding office shall be the same as is or may be provided by the general school laws for school districts, and each person offering to vote shall deliver his or her ballot to one of the inspectors in the presence of the board, who shall deposit the same in the ballot box.

SEC. 18. If any person offering to vote at such election shall be challenged as unqualified by any legal voter in said district, one of the inspectors shall declare to the person so challenged the qualifications of a voter, and if such person shall state that he is qualified and the challenge shall not be withdrawn, the said inspector shall tender him an oath in substance as follows: "You do swear (or affirm) that you are twenty-one years of age; that you are an actual resident of this school district and are legally qualified to vote at the general elections in this State." Or he may take the following oath, to wit: "You do swear or affirm that you are twenty-one years of age; that you have been for the last three months an actual resident of this school district, or residing upon territory now attached to this school district, and that you are liable to pay a school district tax therein." Or he may take the following oath, to wit: "You do swear or affirm that you have been for the past three months an actual resident of this school district, or residing upon territory now attached to this school district, and that you are the parent or legal guardian of one or more children now included in the school census of this district;" and any person taking either of said oaths shall be permitted to vote at such election.

Ordered to take immediate effect.

Approved June 5, 1883.

[No. 320.]

AN ACT to amend an act entitled "An act to incorporate the city of Ludington," approved March twenty-two, eighteen hundred and seventy-three, by adding four new sections thereto, to stand as sections eighty-eight, eighty-nine, ninety, and ninety-one.

SECTION 1. *The People of the State of Michigan enact,* That an Act amended. act entitled "An act to incorporate the city of Ludington," approved March twenty-two, one thousand eight hundred and seventy-three, be and the same is hereby amended by adding thereto four new sections to stand as sections eighty-eight, eighty-nine, ninety, and ninety-one, to read as follows:

SEC. 88. In addition to the bonds authorized by section eighty-one of this act, it shall be lawful for the common council of said city to raise money upon the faith and credit thereof, and to issue bonds therefor for the purpose of erecting or purchasing water-works, and to furnish water to said city and its inhabitants: *Provided*, That the authority to issue such bonds shall be voted at a

Issuing additional bonds for water-works.

meeting of the tax-paying electors of said city. Such meeting to be called and conducted in the manner prescribed in section eighty-one of this act, but the voting and issuing of such bonds shall be subject to such limitations as are provided in the general laws of this State in relation thereto.

City marshal to be elected. SEC. 89. The office of city marshal shall be an elective office, and the marshal shall be elected at the same time and in the same manner as the other elective officers of said city. He shall hold his office for the term of one year. So much of section seven as conflicts with this section is hereby repealed.

Repair of sidewalks, etc. SEC. 90. In addition to the authority conferred by section nineteen of said act upon the common council, in reference to sidewalks, it shall be lawful for such council to keep in good repair and condition for travel all sidewalks within the corporate limits of said city, and to assess, levy, and collect from the property adjoining such sidewalks the tax necessary for such purpose. Such taxes to be assessed, levied, and collected in the manner prescribed by section nineteen of this act.

Grading, etc., of streets, construction of sewers. SEC. 91. The common council shall have power to provide for the grading, paving, and planking of the streets of and for the construction of sewers in said city. Said common council may cause the expense of such street or sewer improvements, or any of them, to be assessed against the lots or premises in front of or adjoining the same, or upon such other lots or premises as may in the opinion of such council be benefited thereby. Such assessments to be made *pro rata* according to the valuation of such property, as appears upon the then last assessment roll. Whenever the council shall decide to make or order any such improvements, proceedings shall be had in accordance with the provisions of section fourteen of this act in relation to laying out, altering, or vacating any street, lane, or alley:

Provided. That no such improvement shall be ordered unless petitioned for by the owners of a majority in value of the property upon which it is proposed to assess the expense thereof, such value to be determined by the then last assessment roll: *And provided further,* That such expense may be paid in not more than five installments. The expense of levying, assessing, and collecting the tax necessary for such improvement to be borne *pro rata* by the property benefited, and in no case shall such improvement tax for any one year exceed twenty-five per cent of the then last assessed value of the property upon which it shall be assessed.

Ordered to take immediate effect.

Approved June 5, 1883.

[No. 321.]

AN ACT to amend sections seven and nine of act number three hundred and seventy-two of the laws of eighteen hundred and sixty-seven, entitled "An act to revise the charter of the city of Flint," approved March twentieth, eighteen hundred and sixty-seven, and the acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact,* That sections seven and nine of act number three hundred and seventy-two, of the laws of eighteen hundred and sixty-seven, entitled "An act to revise the charter of the city of Flint," approved March twentieth, eighteen hundred and sixty-seven, and acts amendatory thereof, be amended so as to read as follows:

SEC. 7. The mayor and aldermen, when assembled together and organized, shall constitute the common council of the city of Flint, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and the common council may be summoned to hold their meetings at such time and place as the mayor, or in case of his absence or inability from any cause to act, the clerk, on written request of any two aldermen, shall appoint. The common council shall have power to impose, levy, and collect such fines as they may deem proper, not exceeding five dollars, for the non-attendance at any meeting of any officer of the corporation who has been duly notified to attend the same. The mayor shall be the presiding officer of the common council, and the clerk shall keep a record of the proceedings thereof. In the absence of the mayor or clerk from any meeting, the members present may appoint a president or clerk *pro tempore*. The mayor shall not vote on any question except when presiding, and then shall only give the casting vote in case of an equal division. But the mayor may disapprove of any ordinance or resolution provided he shall as soon as the next meeting return the same to the council with his objections in writing, in which case the same shall not take effect unless the council on such return shall, by a vote of two-thirds of all the members elect, again pass the same; and on such two-thirds vote such ordinance or resolution shall have the same force and effect as though the same had not been disapproved by the mayor.

SEC. 9. The common council, in addition to the duties specially conferred upon them in this act, shall have the management and control of the finances, rights, and interests, buildings, and all property, real and personal, belonging to the city, and may dispose of the same, and make such rules and by-laws relating to the same as they shall deem proper and necessary: *And further,* They shall have power within said city to enact, continue, establish, modify, annul, and repeal such ordinances, by-laws, and regulations as they deem desirable within said city, for the following purposes:

First, To prevent vice and immorality, to preserve public peace and good order, to organize, maintain, and regulate a police of the city, to prevent and quell riots, disturbances, and disorderly assem-

Sections
amended.

Common coun-
cil.

Quorum.

Meetings of.

Fines, etc., for
non-attendance,
etc.

Mayor to pre-
side.

Officers pro
tempore.

When mayor to
vote.

Mayor may dis-
approve ordi-
nances, etc.

Other and fur-
ther duties and
powers of com-
mon council.

In reference to
vice, immorality,
etc.

bties, to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto or for unlawful interference therewith;

Disorderly houses, etc. *Second,* To prevent, restrain, and suppress all disorderly houses and places, houses of ill-fame, assignation houses, and to punish the keepers thereof and dwellers therein, and all who resort thereto for purposes of prostitution or to associate with prostitutes;

Gaming. *Third,* To prohibit, restrain, and prevent persons from gaming for money or other valuable thing with cards, dice, wheels of fortune, boxes, machines, or other instruments or devices whatsoever in any grocery, store, shop, or in any other place in said city, to punish the persons keeping the place, instruments, devices, or means for such gaming, and to provide for and compel the destruction of such instruments, machines, or other devices whatever used or intended to be used for gaming as aforesaid;

Sale of spirituous liquors, etc. *Fourth,* To prohibit the selling or giving of any spirituous, fermented, or intoxicating liquors to any drunkard or intemperate person, or any minor or apprentice;

Sabbath. *Fifth,* To prevent the violation of the Sabbath, the disturbance of any religious congregation, or any other meeting assembled for any lawful purpose;

Indecent exposure, obscenity, etc. *Sixth,* To prohibit and prevent in the streets or elsewhere in said city any lewd and lascivious behavior or any indecent exposure of the person, the show, sale, or exhibition for sale of any indecent or obscene pictures, drawings, engravings, paintings, books, or devices, or any written, or printed or other thing containing obscene, scurrilous, or scandalous matter, and all indecent or obscene exhibitions and shows of every kind;

Unwholesome and offensive substances, business, etc. *Seventh,* To prohibit and prevent any person from bringing, depositing, or leaving within the limits of said city, or within one-half mile distant therefrom, or keeping or having on the premises owned or occupied by them in said city any dead carcass, putrid or unsound meat, fish, hides, skins, and any article, substance, or thing that is unwholesome or offensive, or the trying or rendering any unwholesome, putrid, or offensive tallow, lard, or meats in said city, and to authorize the removal or destruction thereof by some officer of said city, or to compel any person so bringing, depositing, or leaving the same within the limits of said city or within one-half mile therefrom, or having or keeping the same on the premises owned or occupied by them in said city to remove the same; to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove, or abate the same from time to time, as often as they may deem necessary for the health, comfort, and convenience of the inhabitants of said city, and to direct the location of all slaughter houses and markets;

Gunpowder, etc. *Eighth,* Concerning the buying, carrying, selling, storing, and using of gunpowder or other combustible materials, and the exhibi-

tion of fire-works, the use of lights in barns, stables, and other buildings, and to regulate or prohibit the discharge of fire-arms within the limits of the city, or the making of bonfires in streets or yards;

Ninth. To prevent and punish horse-racing and immoderate riding in any street or alley, and to authorize the stopping and detaining any person who shall be guilty of immoderate riding or driving in any street or alley in said city; Immoderate riding, horse racing, etc.

Tenth. To provide for or compel cleaning the highways, streets, lanes, alleys, public grounds, crosswalks, and sidewalks of said city of dirt, filth, snow, and other substances; to prohibit and prevent the encumbering thereof with boxes, signs, posts, and all other materials and things whatsoever, and to remove the same therefrom, and to prevent any encroachments upon any street, and to provide for the removal of such encroachments; to prevent the exhibition of signs upon canvass or otherwise in or upon any vehicle standing or traveling upon the streets or public grounds of said city; to control, prescribe, and regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs and articles of merchandise therefrom; to prohibit and prevent all practices, amusements, and doings having a tendency to frighten teams and horses, or dangerous to life, person, or property; to remove or cause to be removed all walls and other structures that may be liable to fall so as to endanger life or property; to control, regulate, and prescribe the manner in which the highways, streets, lanes, alleys, public grounds, and spaces within said city shall be used and enjoyed; Cleaning, encumbering, etc., of streets. Awnings, signs, etc.

Eleventh. To determine and designate the routes and grades of any railroad to be laid in said city, and to restrain and regulate the use of locomotives, engines, and cars upon the railroads within the city; Routes and grades of railroads.

Twelfth. To preserve the salubrity of the waters of the Flint river or other streams within the limits of said city; to prohibit or regulate bathing therein, and to provide for cleansing the same of drift-wood or other obstructions; to fill up all low grounds or lots covered or partially covered with water within the limits of said city, or to drain the same, as they may deem expedient; To preserve salubrity of waters, etc.

Thirteenth. To prohibit, restrain, license, and regulate all sports, shows, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other performances and exhibitions for money;

Fourteenth. To restrain and punish drunkards, vagrants, street beggars, and other disorderly persons; Drunkards, etc.

Fifteenth. To employ all persons imprisoned for the non-payment of any fine, penalty, forfeiture, or costs, or for any offense under this act or any ordinance of the common council of the city of Flint in the jail of Genesee county, at work or labor upon the streets of said city, or any public work under the control of the common council; Employment of persons imprisoned.

Sixteenth. To prohibit and suppress mock auctions and every kind of fraudulent game, device, or practice, and to punish all Mock auctions, etc.

Auctioneers,
etc.

persons managing, using, practicing, or aiding in the management and practice thereof;

Sales of
unwholesome
meat, etc.

Seventeenth, To license auctioneers, auctions, and sales at auction; to regulate or prohibit the sale of live or domestic animals at auction upon the streets, alleys, or public grounds in said city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by the manner of public biddings, or offers by the buyer or seller after the manner of auction sales or Dutch auctions, and to regulate the fees to be paid to auctioneers, but no license shall be required in cases of sales required by law to be made at auction or public vendue;

Weights and
measures.

Eighteenth, To prohibit and suppress the sale of every kind of unsound or unwholesome meat, poultry, fish, vegetables, or other articles of food and provisions, and to punish all persons who shall knowingly sell the same or offer or keep the same for sale;

Paupers.

Nineteenth, To provide for the inspection and sealing of weights and measures, and enforce the keeping of proper weights and measures by vendors;

Burial of
strangers, etc.

Twentieth, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to said city from any other place any pauper or other person likely to become a charge upon said city or on the public, and to punish therefor;

Graveyards.

Twenty-first, To provide for the burial of strangers and poor deceased persons;

Proviso.

Twenty-second, To protect and regulate all public graveyards within the city limits, or adjacent thereto, belonging to said city, and all grounds procured, or that may be procured, for the purpose of public burial, and to compel the keeping and returning of bills of mortality; and may cause the same to be vacated, and the remains of persons buried therein to be removed, under such restrictions and regulations as they may prescribe: *Provided*, No burial grounds shall be vacated until the question of vacating the same shall be submitted to and approved by a vote of the electors of said city, at some special election to be held at such time, and conducted in such manner as the common council shall prescribe;

Public parks,
etc.

Twenty-third, To provide for public parks and squares, make, grade, improve, and adorn the same; to care for all grounds in said city belonging to, or under the control of said city, and regulate and use the same consistently with the purposes and objects thereof;

Erection of
buildings.

Twenty-fourth, To regulate and establish the line upon which buildings may be erected upon any street, lane, or alley of said city, and to prevent such buildings being erected nearer the street than said line;

Markets.

Twenty-fifth, To establish, order, and regulate the markets, and to prohibit forestalling the same; to regulate the vending of wood, meats, vegetables, fruits, fish, and provisions of all kinds, and prescribe the time and place for selling the same;

Pounds.

Twenty-sixth, To establish or regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine, or other animals, geese, and poultry, and to authorize the

impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding ;

Twenty-seventh, To prevent or regulate the running at large of dogs; to impose taxes on the owners of dogs, and to prevent dog fights in the streets;

Twenty-eighth, To regulate the ringing of bells, and the crying ^{Ringing of bells, etc.} of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Twenty-ninth, Concerning the lighting of the streets and alleys, ^{Lighting of streets.} and the protection and safety of public lamps;

Thirtieth, To establish, regulate, and preserve public reservoirs, ^{Reservoirs, wells, etc.} wells and pumps, and to prevent the waste of water;

Thirty-first, To adopt rules and regulations for cartmen and ^{Cartmen, port-ers, etc.} their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters, and chimney sweeps, and their fees and compensation, and the fees to be paid by them into the city treasury for license;

Thirty-second, To prevent runners, stage drivers, and others from ^{Runners, etc.} soliciting passengers or others to travel or ride in any stage, omnibus, or railroad, or to go to any hotel or otherwheres;

Thirty-third, To regulate and restrain hawking and peddling in ^{Peddling.} the streets, and to regulate pawnbrokers;

Thirty-fourth, To prescribe and designate the stands for car- ^{Stands for car-riages.} riages of all kinds which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay, and produce exposed for sale in said city, and to regulate the sale thereof;

Thirty-fifth, To prescribe the bonds and sureties to be given by ^{Official bonds.} the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;

Thirty-sixth, To prescribe the powers and duties of all the officers of said city, except as herein otherwise provided, and their compensation, and the fines and penalties for their delinquencies; ^{Powers and duties of off.-cials.}

Thirty-seventh, And further, they shall have authority to enact ^{Further powers to make ordi-nances, regula-tions, etc.} all ordinances, and to make all such regulations consistent with the laws and constitution of this State, as they may deem necessary for the safety, order, and good government of said city, and the general welfare of the inhabitants thereof, and to this end, and for the purpose of carrying into effect the powers conferred by this section, the common council shall have power to prescribe in any by-law or ordinance made by them, that the person offending against the same shall forfeit and pay such fine as they shall deem proper, not exceeding one hundred dollars, or be imprisoned in the county jail for a term not exceeding three months, or by both such fine and imprisonment in the discretion of the justice or court that shall try the offender: *Provided,* The right of trial by jury, when ^{Proviso.} demanded, shall in all cases be preserved, and also the right of appeal, according to the general laws of this State.

Ordered to take immediate effect.

Approved June 5, 1883.

[No. 322.]

AN ACT to detach certain territory from the township of Edwards, in the county of Ogemaw, and organize the same into a new township.

Territory detached and organized.

SECTION 1. *The People of the State of Michigan enact,* That township twenty-one (21) north of range two (2) east be and the same is hereby detached from the township of Edwards and organized into a separate township, to be known as the township of Horton.

First annual meeting.

SEC. 2. The first annual meeting in said township of Horton shall be held on the first Monday of April next at the school-house in school district number one of said township. George M. Horton, William Woods, and Alanson Smith are hereby made and constituted a board of inspectors of said township election, and at such election the qualified voters shall elect by ballot persons to fill the various township offices in manner and form as provided by the general law of this State in case of township elections.

Board of inspectors.

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time designated for holding the same, it shall and may be lawful to hold the same at any time thereafter by giving at least fifteen days' notice of the time and place of holding such meeting by posting notices thereof in four of the most public places in said township, which notice may be given by said board of inspectors or a majority of them.

Election of officers.

SEC. 4. If for any cause all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified, it shall be lawful for the electors of said township, who shall be present at the time for the opening of the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to attend said board.

Further provision for inspectors.

SEC. 5. And George M. Horton, William Woods, and Alanson Smith shall constitute a board of registration, with like powers and duties of township boards of registration in other cases, and the holding of the session of said board of registration shall be at the school-house in school district number one of said township.

Approved June 6, 1883.

Board of registration.

[No. 323.]

AN ACT to amend sections one and thirty-one of act number two hundred and sixty-seven, of the session laws of eighteen hundred and seventy three, entitled "An act to amend an act entitled 'An act to incorporate the village of St. Joseph,' approved March seventh, eighteen hundred and thirty-four, and the acts amendatory thereto," approved April twenty-ninth, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact,* That

sections one and thirty-one of act number two hundred and sixty-seven, of the session laws of eighteen hundred and seventy-three, entitled "An act to amend an act entitled 'An act to incorporate the village of St. Joseph,' approved March seventh, eighteen hundred and thirty-four, and the acts amendatory thereto," approved April twenty-ninth, eighteen hundred and seventy-three, be so amended as to read as follows:

SEC. 1. That so much of the township of St. Joseph, in the county of Berrien, and State of Michigan, embraced in all of lots numbered six, seven, eight, nine, ten, eleven, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, fifty-four, fifty-five, and fifty-six, of section twenty-six, and all of fractional section twenty-three, and all that part of the west half of fractional section twenty-four lying west and south of the St. Joseph river, all in township four south of range nineteen west, be and the same is hereby constituted a village corporate by the name and style of the village of St. Joseph.

SEC. 31. The common council shall prescribe the rules of its proceedings. The common council in addition to the powers and duties specially conferred upon them in this act shall have the management, control, and supervision of the streets, lanes, alleys, parks, and public grounds in said village, of the finances, rights, and interests, buildings, and all property, real and personal, belonging to the village, and may make such ordinances and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power within said village to enact, ordain, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they may deem desirable and proper within said village in relation to and for the following purposes:

First, To prevent vice and immorality, to preserve public peace ^{Vice, etc.} and good order, to prevent and quell riots, and disturbances, and disorderly assemblages, to restrain, apprehend, and punish street beggars, vagrants, medicants, drunkards, and all disorderly persons, to punish lewd and lascivious behavior in the streets or other public places;

Second, To suppress and restrain all disorderly houses and houses ^{Disorderly houses.} of ill-fame, all gambling houses, and all houses and places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof, to prevent every species of gaming, and to restrain or suppress billiard-tables and bowling-alleys;

Third, To prevent the selling or giving away of any spirituous ^{Spirituous liquors.} or fermented liquors;

Fourth, To prohibit and regulate the sale of all goods, wares, and ^{Auctions.} personal property at auction, except in cases of sales authorized by law;

Fifth, To license and regulate auctioneers, peddlers, and pawn-brokers, and auctions, and hawking, and peddling, and to license ^{Auctioneers, peddlers, etc.} and regulate the peddling and sale of jewelry, goods, merchandise, and other property by hand, hand-cart, show-case, show-stand, or otherwise in the public streets;

- Sports, shows, etc.** *Sixth*, To prohibit, restrain, license, and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money, and establish the prices to be paid therefor;
- Sabbath.** *Seventh*, To prevent the violation of the Sabbath, and to require all saloons, drinking houses, shops, and other places of business to be closed on the Sabbath day, and at reasonable hours of the night on week days;
- Nuisances.** *Eighth*, To prohibit, prevent, abate, and remove all nuisances in said village, and punish the persons occasioning the same, and to declare what shall be considered nuisances, and direct and authorize their speedy or immediate abatement or removal by the marshal of the village at the expense of the person [persons] creating the same;
- Unwholesome and offensive places, etc.** *Ninth*, To compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter-house, fish-house, stable, barn, cellar, privy, yard, hog-pen, manure pile, sewer, or other offensive, nauseous, or unwholesome place, house, or thing, to cleanse, remove, or abate the same whenever the common council shall deem it necessary for the health, comfort, and convenience of the inhabitants of said village;
- Slaughter houses.** *Tenth*, To direct the location and regulation of all slaughter-houses in said village, and to prohibit their location within said village;
- Dangerous and unsightly business.** *Eleventh*, To regulate, restrain, and prohibit the location of shops and the carrying on of mechanical and other trades and vocations which the common council may deem unsightly, dangerous, or injurious in such places and parts of said village as the common council may designate;
- Gunpowder, fire-crackers, etc.** *Twelfth*, To regulate the buying, selling, and using of gunpowder, fire-crackers, and fire-works, and other combustible materials; to regulate and prohibit the exhibition of fire-works and the discharge of fire-crackers and fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in the village;
- Incumbering, etc., of streets.** *Thirteenth*, To prevent the incumbering or obstructing of streets, sidewalks, crosswalks, lanes, alleys, gutters, sewers, water-courses, bridges, and public grounds in any manner whatever, and to compel the occupant of lots to clear the sidewalks in front of and adjacent thereto of snow, ice, dirt, and every incumbrance and obstruction;
- Shade trees.** *Fourteenth*, To regulate and require the setting and securing of shade trees in the streets of said village; to authorize, prohibit, and regulate the setting of hitching-posts in the streets, lanes, and alleys of said village, and to cause the same to be taken up and removed; to authorize, prohibit, and regulate the building and placing of awnings, sign-boards, and other things, the whole or any part of which occupy or project within the limits of any street, lane, or alley of said village, and to prescribe in what manner and of what materials the same shall be constructed, and to compel the removal of the same;

Fifteenth, To provide against horse-racing and immoderate ~~Horse racing.~~ riding or driving in any street or over any bridge, and to punish for the same, and authorize the arrest and detention of any person who shall be guilty of immoderate riding or driving;

Sixteenth, To regulate and prohibit bathing in the public waters ~~Bathing.~~ within said village and within half mile from the same;

Seventeenth, To establish one or more pounds, and regulate and ~~Pounds.~~ restrain the running at large of cattle, swine, horses, mules, sheep, and other animals, and of geese or other poultry in the streets and public places in said village, and to authorize the taking up, impounding, and sale of the same for the penalty incurred and the cost to keep and impounding, and to punish for rescuing the same before all costs and charges are paid;

Eighteenth, To regulate the ringing of bells and the crying of ~~Ringing of bells.~~ goods, and to prevent disturbing noises and obscene and profane language in the streets;

Nineteenth, To provide for the lighting of the streets and alleys, ~~Lighting streets.~~ and the protection of the public lamps;

Twentieth, To impose taxes on the owners and keepers of dogs, ~~Dogs.~~ and to prohibit the running at large of dogs, to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance of said village;

Twenty-first, To provide burial places, and to regulate and pro- ~~Burial of dead,~~ hibit the burial of the dead within said village, and to protect and ~~etc.~~ preserve the monuments, tombstones, trees, shrubbery, property, ornaments, improvements, grounds, and fences in and around any cemetery in said village;

Twenty-second, To regulate and establish the line upon which buildings may be erected upon any street, lane, or alley, in said ~~Erection of buildings.~~ village, and to compel such buildings to be erected upon such line;

Twenty-third, To establish, order, and regulate markets; to regulate the vending of meats, vegetables, fruits, fish, and provisions of all kinds; to regulate the sale of hay, wood, lime, lumber, and coal, and to designate the stand or stands for wood, hay, and produce exposed for sale in said village, and to require the weighing of hay and the measuring of firewood;

Twenty-fourth, To license and regulate all drays, omnibusses, ~~Drays, hacks,~~ hacks, and other vehicles, and all ferries from within said village ~~etc.~~ of St. Joseph to that of Benton Harbor or elsewhere, used for the transportation of persons and property for hire, to prescribe rates of fare and charges for the same, to prohibit their use without license, and to designate the stands for said vehicles;

Twenty-fifth, To license persons to engage in and exercise the ~~Tavern keep.~~ business or occupation of tavern keeper, inn-holder, common ~~etc., etc.~~ victualer, and saloon keeper, and to impose such fees for such license as the common council may see fit, and to impose penalties upon all persons engaged in any such occupation or business without such license: *Provided*, That no such license shall be granted ~~Proviso.~~ for a less sum than fifty dollars: *Provided also*, The above shall in no wise be construed to authorize the sale of spirituous liquors;

Twenty-sixth, To appoint a sealer of weights and measures; ~~Weights and measures.~~

Fire limits. *Twenty-seventh,* To establish fire districts within which no wooden buildings [building] shall be moved, built, repaired, enlarged, placed, or allowed to stand or remain;

Party walls, chimneys, fire-places, etc. *Twenty-eighth,* To regulate and prescribe the manner of constructing party walls, chimneys, and fire-places, the putting up of stoves, stove-pipes, and other things that may be deemed dangerous in causing or promoting fires, and to make all such ordinances, by-laws, and regulations as the common council shall deem necessary to secure the buildings and property in said village against injuries by fire, and for the prevention and suppression of fire, and for the purpose of enforcing such ordinances, by-laws, and regulations the common council may authorize and direct any of the officers of said village to enter into and examine at all reasonable times all dwelling-houses, buildings, and tenements of every description, and all lots, yards, and enclosures, to inspect all hearths, stoves, fire-places, stove-pipes, flues, chimneys, or other conductors of smoke, and any apparatus or device in which fire may be used or to which fire may be applied, and to remove and make the same safe at the expense of the owner or occupants of the buildings in which the same may be, and every building or structure that shall be constructed, moved, repaired, enlarged, used, maintained, occupied, or allowed to stand and remain in violation of or contrary to any ordinance of said village is hereby declared to be a common nuisance, and may be abated, taken down, and removed by the direction of the common council at the expense of the owner or occupant or persons who caused such nuisance;

Lumber yards, etc. *Twenty-ninth,* To prohibit the maintaining of lumber yards, the keeping, piling, and storing of firewood, timber, lumber, or other easily combustible material within the limits of any fire district [districts];

Reservoirs, bridges, sewers, streets, sidewalks, etc. *Thirtieth,* To construct reservoirs wherever needed and to provide for supplying the same with water; to build bridges; to construct sewers, drains, and culverts; to provide wells; to grade, gravel, pave, repair, amend, and otherwise improve the streets, lanes, alleys, and public grounds and parks in said village; to construct, repair, and renew sidewalks; to remove all encroachments from any street, lane, alley, public grounds, or places in said village; to fill up, drain, cleanse, and regulate any ground, yards, basins, cellars, or vaults within said village, that may be sunken, damp, foul, incumbered with rubbish, or unwholesome, and to make such other public improvements as may conduce to the general good and prosperity of said village, or any part thereof; and generally to make all other ordinances and regulations that the common council may deem necessary to the safety, order, and good government of said village;

Locomotives and cars. *Thirty-first,* To restrain and regulate the speed of locomotives, engines, and cars upon the railroads within the village.

This act is ordered to take immediate effect.

Approved June 6, 1893.

[No. 324.]

AN ACT to detach certain lands from the village of Mendon.

SECTION 1. *The People of the State of Michigan enact,* That all ^{Territory detached.} that narrow neck of land now within the corporate limits of the village of Mendon, St. Joseph county, Michigan, which lies between Main street and St. Joseph river, and east of a line extended from the southwest corner of the east half of the northwest quarter of section twenty-six, Mendon township, in said county, to the St. Joseph river, be and the same is hereby detached from said village.

Approved June 6, 1883.

[No. 325.]

AN ACT to amend an act entitled "An act to incorporate the city of Niles, approved February twelve, eighteen hundred and fifty-nine," as amended by the several acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact,* That an ^{Act amended.} act entitled "An act to incorporate the city of Niles, approved February twelfth, one thousand eight hundred and fifty-nine," as amended by the several acts amendatory thereof, be and the same is hereby amended by adding thereto a new section to stand as section thirty-four, which shall read as follows:

SEC. 34. It shall be the duty of the common council at its second meeting in June, in the year of our Lord one thousand eight hundred and eighty-three, and at its first meeting in May, in each year thereafter, to elect by a majority vote of said council one director of the poor who shall hold his office for the term of one year and until his successor is elected and qualified, and whose duties and compensation shall be prescribed by ordinance or resolution of said council.

Ordered to take immediate effect.

Approved June 6, 1883.

[No. 326.]

AN ACT to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith.

CHAPTER I.

SECTION 1. *The People of the State of Michigan enact,* That ^{Body politic and corporate.} inhabitants of the city of Detroit shall continue to be one body politic and corporate under the name and style of the city of Detroit, and as such shall have, exercise, and enjoy such powers of a local legislative and administrative character as are conferred by this act, or by the general laws of the State of Michigan, and shall

Powers and rights. also exercise and enjoy such implied and incidental powers and rights as are possessed by municipal corporations in this State.

Departments of government, etc. SEC. 2. The powers of local government possessed by said city are divided into two departments, the legislative and administrative. No person or body belonging to one department shall exercise powers properly belonging to the other, except in cases expressly provided in this act.

Territorial limits. SEC. 3. The territorial limits of said city shall include all that tract of country in the county of Wayne, bounded and described as follows: Commencing at the northerly line of Jefferson avenue where it intersects the easterly line of Mount Elliott avenue, thence northerly on said line, in a straight line, extended to the quarter line of fractional section twenty-eight, town one south, range twelve east, thence westerly along said quarter line to a point where the southerly line of the ten thousand acre tract extended would intersect said quarter line, thence westerly along the southerly line of the ten thousand acre tract to the westerly line of Twelfth street, thence southerly along the westerly line of Twelfth street to the northerly line of private claims, thence westerly along the northerly line of private claims to the westerly line of the Porter farm, private claim twenty-one, thence southerly along the westerly line of the Porter farm, extended to the national boundary line in the Detroit river, thence along the said national boundary line to the point where said national boundary line intersects the easterly line of Mount Elliott avenue continued, thence northerly along said easterly line of Mount Elliott avenue to the place of beginning, and also all that parcel of land situated in the Detroit river and known as Belle Isle.

Division into wards. First ward. SEC. 4. That said city is hereby divided into the following wards:
One.—The first ward shall consist of all that part of the city lying between the center lines of Woodward avenue and Beaubien street, and the said lines extended northerly and southerly to the city limits;

Second ward. ; *Two.*—The second ward shall consist of all that part of said city bounded on the east by the center line of Woodward avenue, and on the west by the center line of First street from the Detroit river to the center line of Grand River avenue, up Grand River avenue to the center line of Second street, and along the center line of Second street and said line extended northerly and southerly to the city limits;

Third ward. *Three.*—The third ward shall consist of all that part of said city lying between the center lines of Beaubien street and Hastings street, and the said lines extended northerly and southerly to the city limits;

Fourth ward. *Four.*—The fourth ward shall consist of all that part of said city lying between the west boundary line of the second ward above described and the center line of Crawford street, from the city limits to the center of Grand River avenue, down the center line of Grand River avenue to the center of Fifth street, and down the center line of Fifth street and the said line extended northerly and southerly to the city limits;

Five.—The fifth ward shall consist of all that part of said city ^{ninth ward}, lying between the center lines of Hastings street and Russell street, and the said lines extended northerly and southerly to the city limits;

Six.—The sixth ward shall consist of all that part of said city ^{sixth ward}, lying between the west boundary line of the fourth ward above described, and the center line of Trumbull avenue, and the said line extended northerly and southerly to the city limits;

Seven.—The seventh ward shall consist of all that part of said ^{seventh ward}, city lying between the center lines of Russell street and Dequindre street, and the said lines extended northerly and southerly to the city limits;

Eight.—The eighth ward shall consist of all that part of said ^{eighth ward}, city lying between the east line of Godfroy farm and the center line of Trumbull avenue, and the said line extended northerly and southerly to the city limits;

Nine.—The ninth ward shall consist of all that part of said city ^{ninth ward}, lying between the center lines of Dequindre street and Chene street, and the said lines extended northerly and southerly to the city limits;

Ten.—The tenth ward shall consist of all that part of said city ^{tenth ward}, lying between the west line of the Loranger farm and the east line of the Godfroy farm, and the said lines extended northerly and southerly to the city limits;

Eleven.—The eleventh ward shall consist of all that part of said ^{eleventh ward}, city lying between the center lines of Chene street and McDougall avenue, and said lines extended northerly and southerly to the city limits;

Twelve.—The twelfth ward shall consist of all that part of said ^{twelfth ward}, city lying west of the west line of the Loranger farm, and the said line extended northerly and southerly to the city limits;

Thirteen.—The thirteenth ward shall consist of all that part of ^{thirteenth ward}, said city lying east of the center line of McDougall avenue, and said line extended northerly and southerly to the city limits, and the parcel of land situated in the Detroit river and known as Belle Isle.

SEC. 5. Hereafter the division of said city into wards as herein provided shall govern; but the common council of said city shall have power by ordinance to divide said wards into election districts of convenient size; the boundaries of each of said districts shall be particularly described in said ordinance. No district shall embrace parts of two or more wards, and each ward shall be divided into at least three districts. For the purpose of carrying into effect the provisions of this act the common council shall have full power to provide by ordinance for the registration of the electors of said districts, for the appointment of inspectors and other officers of elections, and the manner of holding such elections, so as to make them conform as far as practicable, unto the requirements of the general laws of this State, and the charter and other acts affecting said city.

Council to provide for registration and inspection of elections.

CHAPTER II.

REGISTRATION AND ELECTIONS.

Of whom city board of registration composed.

District boards.

Meetings of board of registration.

Notice of meeting.

Duration of sessions of board.

Books for, powers and duties of, etc.

When registration completed, former registry invalid.

Re-registration necessary to entitle to vote.

Meetings of district boards of registration.

SECTION 1. The city board of registration of the city of Detroit shall be composed of the aldermen of the several wards of said city and such other persons to be appointed by the board of aldermen of said city sufficient in number to make with said aldermen two members for each of the election districts into which the wards of said city may be divided. The members of said city board of registration shall constitute district boards of registration for their respective districts.

SEC. 2. In the year of eighteen hundred and eighty four and every fourth year thereafter, and in all other years in which a re-registration is necessary, the board of registration shall begin its session [sessions] for the purpose of making a re-registration of the qualified electors of each ward and election district of said city, on the second Wednesday preceding the November election so that the days of registration on such years of re-registration shall be four, of which the second Saturday preceding election shall be the last. The board of aldermen shall, at least two weeks before the said meeting of said district boards, cause a notice to be published in one or more newspapers printed and published in said city, that the district boards of registration will meet on the days designated, to make a perfect list, as near as may be, of all persons residing in such ward and district, qualified as electors, under the constitution; and designating the place in the district of each ward where said board will meet for that purpose. And they shall also cause handbills to be posted in at least five conspicuous [places] in each district of each ward, containing a similar notice of the time and place of such meeting of the board for that district, which notice shall also contain a true copy of section one of article seven of the constitution relative to the qualifications of electors. All sessions of boards of registration shall be from ten o'clock A. M. to eight o'clock P. M., continuously each day; and said boards shall be provided with the proper blank books for registering the names of voters of the form heretofore used, and shall have the same powers and perform the same duties as are conferred upon or required of boards of registration under the laws of the State, and the same rules and requirements shall be observed in such re-registration in all respects, as are required by said laws. When such registration shall be completed, the former registry of electors in such wards or districts shall henceforth be deemed invalid, and shall not be used at the ensuing elections, and no person shall vote at any public election in said wards or districts after such re-registration, whose name shall not be registered anew, under the provisions of this section, except such persons as were absent from the city, or sick during the entire session [sessions] of said district boards and who shall then qualify according to law.

SEC. 3. On the second Thursday, Friday, and Saturday next preceding the general election and on the second Friday and Saturday next preceding the annual city elections of the city of Detroit in

every year other than that for which a re-registration of voters is provided for and not afterwards, and on the second Friday and Saturday next preceding the spring elections, the district boards of registration of said city shall be in session in their respective districts at such places as shall be designated by the board of aldermen, from ten o'clock in the forenoon to eight o'clock in the afternoon of each of said days without intermission. The common council shall cause like notice of such sessions to be given as is provided in the preceding section. At the sessions of said district boards provided for in this section, they shall review and complete the list of qualified voters, as provided by law; and in order to prevent so far as possible, the blotting, mutilation, or disfigurement of said registration of electors, it is enacted that no name shall be entered in such registers excepting in the handwriting of one of the board of registration, and then only by direction of the proper board during its session; and no member of said board shall write or make any entry in said register excepting the same be permitted by law, and no other person shall make any entry or mark whatever therein excepting inspectors of election, as provided by this act: *Provided*, That any elector desiring to enter his name in *Prov. 1* his own handwriting may do so, if the board shall have decided that such elector is entitled to be registered; but when any person shall have ceased to be an elector of any ward or election district, the board of registration for such ward or district, at its session, may note the fact in red ink across the name of such elector, in addition to the marks provided to be set opposite his name by law. No name shall be entered in said registers excepting upon the personal application of an elector desiring his name to be registered, and upon due examination made, as required by law, unless the person whose name is registered is personally known to the district board of registration, or at least one member of said board, to be a qualified elector of the ward or district in the register of which such name is registered. The district board of registration in each ward and district shall require each applicant for registration to state whether he has previously been registered in or resided in any other ward or district. Each board shall make a separate list of the new registrations made at their then session, particularly specifying in such lists those who have previously resided or been registered in any other ward or district, noting the previous place of residence of such person, and shall deliver such separate lists to the city board of registration, at its session hereafter provided to be held.

SEC. 4. The city board of registration shall assemble at the common council chamber in the said city of Detroit, on the Monday next preceding any election to be held in said city, excepting special elections held for election of ward officers, at nine o'clock in the forenoon. On the organization of said city board, by the appointment of a chairman and clerk, said city board shall proceed to examine the register of electors of the several wards and districts of said city; said board may correct any errors appearing therein, but no new name shall be added thereto, or marked so as to indi-

Notice of

Proceedings of
district boards.
by whom entries
to be made.

Prov. 1

What names to
be entered.What applicants
to state.City board to
examine regis-
ters of wards
and districts.

cate that any person has ceased to be an elector in any ward or district excepting as provided in this section. Whenever said board shall find that any person is registered in two or more wards or districts of said city, the board shall ascertain the ward or district in which such person is entitled to be registered, and shall indicate in the register of any other ward or district the fact that such person is not entitled to vote in such other ward or district, retaining the name of such person in the ward or district in which such person is entitled to vote.

When person registered in more than one ward or district.

Registration in certain cases after session of district board.

SEC. 5. When any person shall apply to the inspectors of any election, excepting special elections for ward officers, in said city of Detroit, who has not been registered, to be registered, by said inspectors, alleging that he was absent or sick during the then last session of the district board of registration of the ward or district, said inspectors shall require such applicant to state, on oath, that he was absent from the city of Detroit during said session or sick and unable to attend said session.

Registration for special elections.

SEC. 6. Whenever the common council of said city shall order a special election to be held in any of the wards of said city for election of ward officers, said council, by resolution, shall direct the board of registration that last held its session in such ward to review and complete the list of qualified electors of such ward, on a day and at a place to be named in such resolution. Notice of the time and place of the session of said board shall be published in at least one of the daily newspapers published in said city, for at least four successive days prior to such session. It shall not be necessary to insert in such notices the names of registered electors, or post handbills containing the same, as in case of general or charter elections. The provisions of this act, or so much thereof as may be applicable, shall govern and regulate the action of said board, each member thereof, and all other persons, in reviewing and completing the register of electors at such session. In case there is a vacancy in the then board of registration for such wards and districts, the common council shall fill the same.

Proceedings of board.

SEC. 7. All the provisions of the general laws of the State relative to the powers and duties of the boards of registration and election, and all requirements and provisions of said laws relative to the conduct of registration and election shall apply and be in full force in the city of Detroit, excepting as the same shall be altered and amended by this act.

General laws to govern registration, etc.

Annual election.

SECTION 1. The annual city election shall be held on the first Tuesday after the first Monday of November in each year, at such places in the several wards as shall be designated by an order of the board of aldermen, at least twenty days previous thereto, notice of which, specifying also the officers to be elected and the time for opening and closing the polls, shall immediately, or within three days after the date of such order, be given by the city clerk, by

Notice of.

CHAPTER III.

ELECTIONS.

publication in two or more daily newspapers published in said city. The time and place for holding a special election shall be designated, and the notice thereof given in the same manner, and to the same effect.

SEC. 2. The board of aldermen shall, at least twenty days prior to any general or special election, appoint two or more inspectors of election for each ward divided into election districts, and one of the inspectors so appointed, with one of the aldermen of the ward so divided, or two inspectors as appointed shall act as a board of registration in each of said election districts; and with one inspector to be elected by a *viva voce* vote of the electors of the district, on the opening of the polls at any election, shall form a board of inspectors for said election. Vacancies in any board of inspectors may be filled by the electors present by a *viva voce* vote. Any election district so made, shall remain an election district by itself until changed by the common council. Every elector shall vote in the ward and district in which he resides, as provided by law. The residence of an elector shall be the ward and district in which his family resides, or in which is his regular boarding house.

SEC. 3. Said inspectors before entering upon their duties shall each take the same oath of office prescribed for other officers under this act.

SEC. 4. The inspectors of each district into which the several wards may be divided, shall appoint two competent clerks of the election, who shall take the same oath as the inspectors, which oath either of the inspectors may administer.

SEC. 5. One suitable ballot box, with lock and key, shall be provided and kept by the city clerk, at the expense of the city, for each district; and it shall be the duty of the city clerk to deposit such box, with the key, in the hands of the inspectors of each district, prior to the opening of the polls.

SEC. 6. The polls of election shall be opened at eight o'clock in the forenoon, or as soon thereafter as may be, on the day of election, and shall be continued open until five o'clock in the afternoon of the same day, and no longer.

SEC. 7. The qualifications of electors under this act shall be those prescribed in the laws and constitution of this State and the United States.

SEC. 8. If, at any election, a vote shall be challenged, either of the inspectors of election shall be authorized to swear or affirm the person whose vote is challenged to answer such questions as may be put to him touching his qualifications as an elector, and said inspectors shall decide from such examination as to the legality of such vote.

SEC. 9. If any person thus sworn or affirmed shall willfully swear or affirm falsely as to any material matter concerning his qualifications as an elector of said city, he shall be deemed guilty of perjury, and may be prosecuted therefor; and on conviction thereof, be punished by a fine not exceeding one thousand dollars, or imprisonment at hard labor in the State prison for a period not exceeding five years, or both, in the discretion of the court.

*Appointment of
inspectors of
elections, etc.*

*Vacancies in
board of inspec-
tors.*

*Where electors
to vote.*

*Residence of
electors.*

*Oath of inspec-
tors.*

*Clerks of
election.*

Ballot boxes.

*Opening and
closing polls.*

*Qualifications of
electors.*

Challenge.

*False swearing,
etc., perjury.*

Penalty.

Penalty for voting more than once, etc.

SEC. 10. If any person shall vote in more than one ward or district, or more than once in the same ward or district, at any election in said city, he may be prosecuted therefor, and on conviction may be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor in the State prison for a period not exceeding three years, or both, in the discretion of the court.

Laws governing conduct, etc., of elections.

SEC. 11. The manner of conducting and voting at elections to be held under this act, the keeping of the poll list, canvassing of the votes, certifying the returns, and all other proceedings connected with such elections shall be the same, as nearly as may be, as is now, or hereafter may be provided for by the laws of this State, applicable to general State elections, except as may be otherwise provided in this act.

Certificate of result of election.

SEC. 12. On canvassing the votes the inspectors shall certify a full and true return thereof under their hands to the clerk of the city, carefully sealed up, together with the poll lists and ballots, within seventy-two hours after [the] closing of the polls, and the inspectors of each election district shall thereupon choose one of their number to represent such election district in the board of city canvassers, and the persons so chosen shall form the board of canvassers for the city, and shall, on the Saturday next after election, at three o'clock in the afternoon, meet at the city clerk's office, or in the common council chamber, and proceed to open and canvass the said returns and declare the result of the election.

Meeting of.

SEC. 13. Special elections shall be conducted, as near as may be, in the same manner as general elections, but in such cases the returns of the inspectors shall be opened and canvassed, and the result declared by the board of councilmen and board of aldermen, at a joint session to be held for that purpose, on the Saturday next after the election, at three o'clock in the afternoon.

Ballot in elections to fill vacancy.

SEC. 14. If any person be voted for at any election to fill a vacancy or residue of a term, the ballot of the electors shall designate such vacancy or residue.

Plurality vote to elect.

SEC. 15. In the canvass of votes any person who has received a plurality of the votes for any office shall be declared duly elected to such office.

In case of tie vote.

SEC. 16. When two or more persons shall have an equal number of votes for the same office, the election shall be determined by the drawing of lots in the presence of the board of councilmen. The name of each of such person shall be written on a separate slip of paper, and each slip deposited in [a] box or other proper place, and the president of the board of councilmen shall draw out of said box or other place, in the usual manner of determining by lot, one of said slips, and the person whose name is thereon shall be deemed entitled to hold the office for which he received said votes, in the same manner as other officers duly elected.

State, congressional, etc., elections.

SEC. 17. The mode of conducting all State, congressional, and county elections in said city shall be in the manner herein provided for the election of the city officers, except that the returns thereof shall be made to the county clerk, and the same proceedings had, as near as may be, as are now or hereafter may be provided by law for the return of votes by township inspectors of election.

SEC. 18. No person entitled to vote at any election held under this act shall be arrested on civil process within said city on the day on which such election is held. Exemptions from arrest on election day, etc.

CHAPTER IV.

OFFICERS, WHO ELECTED OR APPOINTED, QUALIFICATIONS, BONDS, OFFICIAL TERMS, REMOVAL, VACANCY, ETC.

SECTION 1. There shall be elected at the annual city election by the duly qualified electors of the whole city the following officers of the corporation, on a general city ticket, viz.: A mayor, city clerk, and city attorney, who shall hold their offices for the term of two years, beginning on the second Tuesday of January next succeeding their election, a treasurer whose term of office shall be two years, beginning [on] the first day of July next succeeding his election, and three councilmen, who shall hold their offices for four years from the second Tuesday of January next succeeding their election. There shall be elected at the spring election in every alternate year six school inspectors, to hold office for four years, beginning on the first day of July following their election. There shall be three justices of the peace in and for said city, who shall hold their offices, possess the same jurisdiction and powers, subject to the act of the legislature establishing a police court of the city of Detroit, and be subject to the same duties and liabilities as provided by the general laws of this State, or any special act of the legislature relating to justices of the peace. At said annual election one alderman and one constable shall be elected in each ward, the former for a term of two years and the latter for a term of one year from the second Tuesday of January next succeeding such election. There shall also be elected a recorder as hereinafter provided.

SEC. 2. The following officers shall be appointed by the board of councilmen on the nomination of the mayor, viz.: A controller, three city assessors, who shall be known as the board of assessors, a receiver of taxes, and a city counselor, who shall hold their offices for the term of three years respectively, beginning on the first day of July in each case: *Provided*, That the board of assessors Officers appointed on nomination of mayor, terms of office, etc. *Proviso.* shall be non-partisan, and the first three shall be composed of the present city assessor for the balance of his term and two new members, one to be appointed for two years and one for three years, and annually thereafter one member shall be appointed for the full term of three years. Also the following boards to hold their respective offices as now provided by the several acts relating to each board, viz.: A board of public works to be composed of three members, a board of water commissioners of five members, a board of inspectors of the house of correction of four members, a board of poor commissioners of four members, a board of fire commissioners of four members, a board of health of three members, and a board of Belle Isle park commissioners of four members.

SEC. 3. The following officers shall be appointed by the board of aldermen at a meeting to be held on the second Tuesday in June Officers appointed by board of aldermen.

of each year, viz.: one or more clerks of the market, one or more weighmasters, one or more pound-masters, a gas inspector, and such other officers, deputies, assistant officers, and agents as may be necessary, and whose appointment shall be authorized by prior resolution of the common council. Also a board of inspectors of election to be appointed and constituted as provided by this act:

Proviso.

Further proviso.

Other appointive officers.

Officers to hold until successors elected, etc., and qualified.

Officers to be resident electors.

Attorney to be a counselor of supreme court.

No defaulter to be elected or appointed.

Who considered defaulter.

Provided, That any appointment which shall not be made on the day named may be made at any subsequent regular session of the board of aldermen: *And provided further*, That any office created by ordinance or resolution of the common council may be filled at any time until the second Tuesday of June following, when, as in the case of other officers, the regular term of service shall commence and the office, if continued, be filled for the ensuing year, unless otherwise provided by the ordinance or resolution creating such office.

SEC. 4. There shall be appointed by the board of councilmen, on the nomination of the judge of the police court, a clerk of the police court; and on the nomination of the board of health, three or more city physicians, whose term of office shall be one year, beginning on the first day of July; also a city engineer on the nomination of the board of public works, whose term of office, duties and compensation shall be fixed by the common council.

SEC. 5. All officers, whether elected or appointed, shall hold their offices respectively until their successors shall be duly elected or appointed and qualified, and shall enter upon the discharge of their duties.

SEC. 6. No person shall be elected or appointed to, or shall hold any office under this act who shall not be at the time of his election or appointment, and so long as he shall hold such office, a resident elector of said city; and no person shall be elected or appointed to, or shall hold office for any ward in said city, who at the time of his election or appointment and so long as he shall hold such office shall not be a resident elector of the ward from and for which he may be elected or appointed. If any person elected or appointed to any office in the corporation shall cease to be a resident of the city or of the ward for which he may have been elected or appointed, such office shall thereby be vacated.

SEC. 7. No person shall be elected to the office of attorney unless he be at the time of his election a counselor of the supreme court of this State of two years' standing.

SEC. 8. No person shall be elected or appointed to any office created by this act who is now a defaulter to said city, or to any board of officers thereof, or to the State of Michigan, or to any county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect for thirty days after lawful demand made, to account for and pay over to the party authorized to receive the same, any public money which has come into his possession. If any person holding any such office shall become a defaulter while in office, such office shall thereby be vacated.

SEC. 9. No person shall be elected or appointed to any office under

this act unless he is able to read and write the English language intelligibly, and if any such person be elected or appointed the common council may declare such appointment or election void.

No person to be elected or appointed who cannot read and write, etc.

SEC. 10. No member of the common council shall hold any other city office, excepting as provided by this act, or any other legislative office, or any county office, excepting notary public.

Members of council to hold no other office, etc.

SEC. 11. No person interested directly, or indirectly, either as principal or surety, in any contract or agreement, written or verbal, to which the corporation shall be a party in interest, or to which any officer or board under this act shall officially be a party, for the construction of any sewer, pavement, building, or performance of any public work whatever, for [or] involving the expenditure, receipt, or disposition of money or property of the corporation, by any officer or board under this act, shall be eligible or appointed to any office under this act; and if any person thus interested shall be elected or appointed to office, his election or appointment shall be void, and his office shall be deemed vacant.

No person interested in contract, etc., to be elected or appointed.

SEC. 12. If any member of the common council, or other officer of the corporation, after his election or appointment, or while in office, shall become or cause himself to become interested, directly or indirectly, in any contract or agreement, written or verbal, to which the corporation shall be a party, in interest, or to which any officer or board under this act shall officially be a party, or in any question, subject, or proceeding pending before the common council, with intent to gain, directly or indirectly, any benefit, profit, or pecuniary advantage, he shall be removed from his office, and his office declared vacant by the common council, and he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted therefor, and on conviction, shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the State prison not exceeding one year, or both at the discretion of the court.

Officers not to become interested in contracts, etc.

Removal from office for.

Penalty.

SEC. 13. If any person shall offer directly or indirectly, to a member of the common council, or if any member of the common council shall directly or indirectly accept, or agree to accept, any money, goods, or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange, draft, order or certificate, or any security for the payment of money or goods and chattels, or any deed or writing containing a conveyance of land, or containing a transfer of any interest in real estate, or any valuable contract, in force, or any other property or reward whatsoever, in consideration that such member of the common council will vote affirmatively or negatively, or that he will not vote, or that he will use his interest or influence on any question, ordinance, resolution, or other matter or proceeding pending before the common council, he shall be removed from office, and his office declared vacant by the common council, and both he and the person making such offer, as aforesaid, shall be deemed guilty of misdemeanor, and may be prosecuted therefor, and on conviction shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the State prison not exceeding one year, or both, at the discretion of the court.

No person to offer or receive reward, etc., for vote or influence.

Removal from office, and penalty for.

of each year, viz.: one or more clerks of the market, one or more weighmasters, one or more pound-masters, a gas inspector, and such other officers, deputies, assistant officers, and agents as may be necessary, and whose appointment shall be authorized by prior resolution of the common council. Also a board of inspectors of election to be appointed and constituted as provided by this act:

Proviso. *Provided*, That any appointment which shall not be made on the day named may be made at any subsequent regular session of the

Further proviso. board of aldermen: *And provided further*, That any office created by ordinance or resolution of the common council may be filled at any time until the second Tuesday of June following, when, as in the case of other officers, the regular term of service shall commence and the office, if continued, be filled for the ensuing year, unless otherwise provided by the ordinance or resolution creating such office.

Other appointive officers. SEC. 4. There shall be appointed by the board of councilmen, on the nomination of the judge of the police court, a clerk of the police court; and on the nomination of the board of health, three or more city physicians, whose term of office shall be one year, beginning on the first day of July; also a city engineer on the nomination of the board of public works, whose term of office, duties and compensation shall be fixed by the common council.

SEC. 5. All officers, whether elected or appointed, shall hold their offices respectively until their successors shall be duly elected or appointed and qualified, and shall enter upon the discharge of their duties.

SEC. 6. No person shall be elected or appointed to, or shall hold any office under this act who shall not be at the time of his election or appointment, and so long as he shall hold such office, a resident elector of said city; and no person shall be elected or appointed to, or shall hold office for any ward in said city, who at the time of his election or appointment and so long as he shall hold such office shall not be a resident elector of the ward from and for which he may be elected or appointed. If any person elected or appointed to any office in the corporation shall cease to be a resident of the city or of the ward for which he may have been elected or appointed, such office shall thereby be vacated.

SEC. 7. No person shall be elected to the office of attorney unless he be at the time of his election a counselor of the supreme court of this State of two years' standing.

SEC. 8. No person shall be elected or appointed to any office created by this act who is now a defaulter to said city, or to any board of officers thereof, or to the State of Michigan, or to any county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect for thirty days after lawful demand made, to account for and pay over to the party authorized to receive the same, any public money which has come into his possession. If any person holding any such office shall become a defaulter while in office, such office shall thereby be vacated.

SEC. 9. No person shall be elected or appointed to any office under

Attorney to be a counselor of supreme court.

No defaulter to be elected or appointed.

Who considered defaulter.

this act unless he is able to read and write the English language intelligibly, and if any such person be elected or appointed the common council may declare such appointment or election void.

No person to be elected or appointed who cannot read and write, etc.

SEC. 10. No member of the common council shall hold any other city office, excepting as provided by this act, or any other legislative office, or any county office, excepting notary public.

Members of council to hold no other office, etc.

SEC. 11. No person interested directly, or indirectly, either as principal or surety, in any contract or agreement, written or verbal, to which the corporation shall be a party in interest, or to which any officer or board under this act shall officially be a party, for the construction of any sewer, pavement, building, or performance of any public work whatever, for [or] involving the expenditure, receipt, or disposition of money or property of the corporation, by any officer or board under this act, shall be eligible or appointed to any office under this act; and if any person thus interested shall be elected or appointed to office, his election or appointment shall be void, and his office shall be deemed vacant.

No person interested in contract, etc., to be elected or appointed.

SEC. 12. If any member of the common council, or other officer of the corporation, after his election or appointment, or while in office, shall become or cause himself to become interested, directly or indirectly, in any contract or agreement, written or verbal, to which the corporation shall be a party, in interest, or to which any officer or board under this act shall officially be a party, or in any question, subject, or proceeding pending before the common council, with intent to gain, directly or indirectly, any benefit, profit, or pecuniary advantage, he shall be removed from his office, and his office declared vacant by the common council, and he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted therefor, and on conviction, shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the State prison not exceeding one year, or both at the discretion of the court.

Officers not to become interested in contracts, etc.

Removal from office for.

Penalty.

SEC. 13. If any person shall offer directly or indirectly, to a member of the common council, or if any member of the common council shall directly or indirectly accept, or agree to accept, any money, goods, or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange, draft, order or certificate, or any security for the payment of money or goods and chattels, or any deed or writing containing a conveyance of land, or containing a transfer of any interest in real estate, or any valuable contract, in force, or any other property or reward whatsoever, in consideration that such member of the common council will vote affirmatively or negatively, or that he will not vote, or that he will use his interest or influence on any question, ordinance, resolution, or other matter or proceeding pending before the common council, he shall be removed from office, and his office declared vacant by the common council, and both he and the person making such offer, as aforesaid, shall be deemed guilty of misdemeanor, and may be prosecuted therefor, and on conviction shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the State prison not exceeding one year, or both, at the discretion of the court.

No person to offer or receive reward, etc., for vote or influence.

Removal from office, and penalty for.

Oath to be taken, etc., by officers.

To be filed.

When, and before whom officers to take oath, enter upon discharge of duties etc.

Proviso.

Discontinuance of offices by council, etc.

How recorder may be impeached, etc.

Expulsion and removal of officers.

Removal of elective officers, proceedings for, etc.

SEC. 14. Every officer, appointed or elected under this act, before entering on the duties of his office, shall take and subscribe the following oath of office: "I do solemnly swear (or affirm) that I will support the constitution of the United States and of this State, and that I will faithfully discharge the duties of such office to the best of my ability;" and shall file said oath, duly certified by the officer before whom it was taken, in the office of the clerk of said city.

SEC. 15. Officers, who are elected at the annual city election, except treasurer, shall take and subscribe the oath of office before the city clerk, file their official bonds, and enter upon their official duties, on the second Tuesday of January next ensuing their election, or within ten days thereafter. The treasurer shall file his official bond, take and subscribe the oath of office before the city clerk, and enter upon his official duties on the first day of July next ensuing his election. Officers who are appointed shall qualify and enter upon their official duties on the first day of July next ensuing their appointment: *Provided*, That assistants and clerks appointed upon nomination of any officer shall assume the duties of their positions upon confirmation of such nomination by the proper body. Officers who are either elected at [a] special election, or appointed to fill the unexpired portion of a term, shall take and subscribe the oath of office, file their official bonds, and enter upon their duties within ten days next ensuing notice of their election or appointment, except justices of the peace.

SEC. 16. Any office hereby authorized, but not specially named, may at any time be discontinued by the common council, and if there be an incumbent in such office, such discontinuance shall, on notice thereof, discharge him from the office and a further execution of its duties, and his office be deemed vacant.

SEC. 17. The recorder shall be subject to impeachment and removal from office for corrupt conduct in office, or for crimes and misdemeanors, in the same manner as other judicial officers, pursuant to the provisions of the constitution of this State.

SEC. 18. The board of councilmen and board of aldermen may respectively, by a vote of two-thirds of all the members elect, expel or remove from office any of their own members, and may in joint session remove any other officer holding office by election, except the mayor and recorder, for corrupt or willful malfeasance or misfeasance in office, or for willful neglect of the duties of his office, by a vote of two-thirds of all the member elect, and in such case the reason for such expulsion or removal shall be entered on the records of the common council, with the names and votes of the members voting on the question. No officer holding office by election shall be expelled or removed by said common council, unless first furnished with a copy of the charges in writing, and allowed to be heard in his defense, with aid of council, and for the purpose hereof the common council shall have power to issue subpoenas, to compel the attendance of witnesses and the production of papers, when necessary, and shall proceed within ten days after service of a copy of the charges to hear and determine upon the

merits of the case. If such officer shall neglect to appear and answer to such charges, his failure so to do may be deemed good cause for his removal from office. The mayor shall have power to suspend or remove constables from office, and in case of such suspension or removal from office the mayor shall report the same, with the reasons therefor, to the common council.

SEC. 19. Any officer holding office by appointment, unless otherwise provided by law or ordinance, may be removed at any time by the common council without charges, and a trial thereof, by a vote of the majority of the members elect, except the controller, receiver of taxes, and superintendent of the house of correction, who may be removed for the same causes and on the same proceedings as a member of the common council.

SEC. 20. Any officer holding office by election, except the recorder, against whom charges shall be preferred, may be suspended from office by a majority vote of all the members of the common council elected, until such charges shall be heard and determined; and any officer holding office by appointment may be suspended temporarily from office, at any time, by the like vote.

SEC. 21. In case of expulsion or removal from office, death, resignation, or permanent disability of any officer, his office shall thereby become vacant, and may be so declared by the common council.

SEC. 22. Resignations in [of] office shall be made in writing, as follows: By the mayor to the common council; by members of the board of aldermen and members of the board of councilmen to the presiding officer of their respective boards; by all other elective officers to the mayor, who shall report the same to the board of councilmen for its acceptance; by all appointive officers to the mayor, who shall report the same to that legislative branch of the city government whose concurrence is necessary for the filling of such appointment.

SEC. 23. If any office of appointment shall become vacant, a successor to serve for the unexpired portion of the official term may be appointed in the same manner as his predecessor.

SEC. 24. If a vacancy occurs in the office of mayor, councilman, or alderman more than six months before the time for holding the next succeeding annual city election, the common council shall order a special election to fill such vacancy for the residue of the official term; if it occurs within six months before the time for holding such election, the common council may, in its discretion, order a special election to fill such vacancy for the residue of the official term.

SEC. 25. If a vacancy occurs in any elective office, other than that of mayor, recorder, councilman or alderman, the common council shall appoint some person, eligible under this act, to serve in such office until the next annual election, when the vacancy shall be filled for the residue of the official term.

SEC. 26. The controller, treasurer, clerk, attorney, receiver of taxes, superintendent of the house of correction, clerk of the market, and such other officers as the common council may direct,

*Removal of
appointive
officers.*

*Suspension of
officers.*

Vacancies.

Resignations.

*Filling vacan-
cies in appoint-
ive offices.*

*Filling vacan-
cies in office of
mayor, council-
men, or alder-
men.*

*Filling vacan-
cies in other elective
offices.*

*Certain officers
to file bonds.*

shall, respectively, before they enter upon the duties of their respective offices, file in the clerk's office an official bond, in such sum and with such sureties as the common council shall direct and approve.

**Condition of
official bonds.**

SEC. 27. The official bond of every officer shall be conditioned that he will faithfully perform the duties of his office, and will, on demand, deliver over to his successor in office, or other proper officer or agent of the corporation, all books, papers, moneys, effects, and property belonging to the corporation, or appertaining to his office, which may be in his custody as an officer; and such bond may be further conditioned as the common council shall prescribe. The official bond of every officer whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that he will, on demand, pay over or account for to the corporation, or any proper officer or agent thereof, all moneys received by him as such officer.

**Constables to
give bonds.**

SEC. 28. Every person elected to the office of constable in said city, before entering on the duties of his office, shall with two or more sureties, to be approved by the common council, execute and file with the city clerk a bond or instrument, in writing, to the city of Detroit, in the penal sum of two thousand dollars, conditioned well and faithfully in all things to execute and perform the duties of his office during the continuance therein, and to pay to each and every person who may be entitled thereto all sums of money which said constable may become liable to pay on account of any execution or process for the collection of money which shall be delivered to him; and further conditioned as the common council may prescribe.

**Council may
require bonds
from any officer.**

SEC. 29. The common council may at any time require any officer, whether elected or appointed, to execute and file with the clerk of the city new official bonds in the same or in such further sums, and with new or such further securities as said council may deem requisite for the interest of the corporation.

**Notice to be
given by clerk
to persons elect-
ed, etc.**

SEC. 30. The clerk of the city shall cause every officer, whether elected or appointed, as soon as practicable after his election or appointment, to be served with a written notice thereof and of the amount of his official bond; and if such officer shall neglect to take and subscribe his oath of office, or to file his required [official] bond within the time prescribed therefor by this act; or if any officer, required to execute and file a new official bond, as provided in the preceding section, shall not comply with such requirement within ten days after notice thereof from the city clerk, the common council may declare the office in such case vacant, and such vacancy may be filled as heretofore provided in this act.

**Determination
of sufficiency of
official bonds.**

SEC. 31. The common council, or such officer as the common council shall by resolution or ordinance prescribe, may examine into the sufficiency of the proposed sureties on any official bond or instrument in writing required by this act, or on any contract in writing to which the corporation or any officer or board under this act shall be a party in interest, and may require such sureties to submit to an examination under oath as to their property and

responsibility. The depositions of the sureties shall be reduced to writing, be signed by them, certified by the person taking the same, and annexed to and filed with the bond or instrument in writing to which it relates.

SEC. 32. The clerk of the city shall report the name of any person elected or appointed to any office who shall have neglected to file his official bond and oath of office, as required by this act, to the board of aldermen at its next meeting after such default.

Clerk to report failures to file bond, etc.

SEC. 33. Each officer of the city and each board or commission of the city, the appointment of whose assistants or other employés is vested in the board of councilmen, shall annually nominate to said board of councilmen the person or persons whom the said officer, board, or commission shall desire to have appointed to any position in their respective offices or under their control, designating in the communication of nomination the position or duty to which such person or persons are to be assigned. And it shall be the duty of the board of councilmen to confirm or reject the said nominations, and no person or persons shall be appointed to any such office without first having received the nomination of the head of the office, or board, or commission in which such person or persons are to be employed. This section shall not apply to appointments already lawfully made. In case of the incompetency, neglect of duty, or other misconduct of any such assistants, clerks, or subordinates so appointed to any such office the officer, board, or commission in whose office such person or persons have been appointed shall represent the fact of such incompetency, neglect of duty, or other misconduct to the board of councilmen by communication, which communication shall contain the charges and specifications of any such neglect of duty, incompetency, or other misconduct. And if such charges are sustained then such assistants, clerks, or subordinates may be removed by the common council. Any vacancy so occasioned, or by resignation, death, or otherwise, shall be filled in the manner above provided.

Nomination to councilmen of assistants, etc., by officers.

Board of councilmen to confirm or reject nominations.

In case of incompetency, etc., of persons nominated.

SEC. 34. All such fees or charges as are or may be by the city charter or ordinances made chargeable or collectible by any city officer, executive board, or commission of the city of Detroit, except as the same may apply to the board of education, the board of fire commissioners, the metropolitan police commissioners, and the board of water commissioners, shall belong to the city of Detroit, and be paid over to the city treasurer by such officer, executive board, or commission, and a receipt therefor taken in the same manner as is provided for all other collections and payments to or for the city of Detroit. And such officer, executive board, or commission shall make a written report to the controller under oath of all such fees and charges so collected and deposited, together with the receipt from the city treasurer for the same, in the same manner as is provided for similar reports. And no officer, executive board, or commission, excepting the boards above particularly mentioned, or the employés of said boards, shall receive compensation for his or their services other than such salary as may be fixed by the common council in the manner provided.

Fees, etc., to be paid over to city treasurer.

Written report of fees col- lected.

Compensation of officers, etc.

CHAPTER V.

Powers and
duties of mayor.

SECTION 1. The mayor shall be the chief executive officer of the city of Detroit and conservator of its peace. It shall be his duty to keep an office in some convenient place in said city, to be provided by the common council, to see that all officers of said city faithfully comply with and discharge their official duties, to see that all laws pertaining to the municipal government of said city and all ordinances and resolutions of the common council be faithfully observed and executed, and he shall have power, in his discretion, to report to the common council any violations thereof. He shall from time to time give the common council such information and recommend such measures as he shall deem necessary or expedient.

Salary of.
In case of
vacancy in office,
absence, etc.,
of mayor.

SEC. 2. The mayor shall be paid a salary of twelve hundred dollars per annum. In case of a vacancy in the office of mayor or of his being unable to perform the duties of his office by reason of sickness, absence from the city, or other cause, the president of the board of councilmen shall be acting mayor, and in case at the same time there shall be a vacancy in the office of president of the board of councilmen, or he shall be unable to perform the duties of his office by reason of sickness, absence from the city, or other cause, the president of the board of aldermen shall be acting mayor, and such acting mayor shall be vested with all the powers and shall perform all the duties of mayor until the vacancy or vacancies aforesaid be filled, or the mayor, or president of the board of councilmen, or board of aldermen, as the case may be, shall resume his office.

President pro
tempore.

SEC. 3. The board of councilmen and board of aldermen shall respectively, at their session, on the second Tuesday in January, in each year, elect from their number by [a] *viva voce* vote a president for the year, and a president *pro tempore* to supply their places in case of vacancy or their temporary absence.

Powers and
duties of.

SEC. 4. The president *pro tempore* of the board of councilmen and board of aldermen respectively shall preside at the respective meetings in case of a vacancy in the office of president of the respective bodies, or of either being unable from any cause to preside or be present. In such case the presidents *pro tempore* shall be invested with all the powers, and shall perform all the duties of presidents of their respective bodies, until they shall resume their respective offices or the vacancies be filled.

Powers and
duties of city
attorney.

SEC. 5. The city attorney shall appear in and conduct all suits, prosecutions and proceedings in the recorder's court, to which the city of Detroit is a party, to the end thereof, subject to the rules and practice of said court, and if the same be removed to any other tribunal, by writ of error, *habeas corpus*, or otherwise, he shall conduct the case before such tribunal.

Powers and
duties of clerk.

SEC. 6. The clerk of the corporation shall keep the corporate seal, and all papers filed in or pertaining to his office, and shall be clerk of the common council, shall attend its meetings, and shall make and preserve a record of all its ordinances, resolutions and

other proceedings, in proper books to be provided therefor, and when requested, shall duly certify, under the corporate seal, copies thereof, and of all papers duly filed in his office pertaining to the same, and shall possess and exercise the powers of township clerks.

SEC. 7. It shall be the duty of the controller to countersign all bonds which the corporation or common council is authorized to issue, pledging the faith and credit of said city; to receive all accounts and demands against the corporation, examine them in detail, audit and allow them, or such parts thereof as to the correctness of which he has no doubt, and which the claimant is willing to accept in full discharge thereof, file and number them as vouchers, in the order of their allowance, register them, with the amount allowed and date of allowance, in the same order, in a proper book provided for such purpose, and, on their being properly discharged, in writing, to draw and sign his warrant therefor upon the treasurer, when the same is ordered to be paid by the common council. If he shall have any doubt concerning their correctness, he shall register them in a separate list and return them to the common council, with his objections. If the same be allowed by the common council, in pursuance of their authority under this act, on their return to the controller, with a certificate of the clerk endorsed thereon that they have been allowed by the common council, he shall then file and register them in the list of allowed claims, in the same manner as above provided for the registering of claims audited and allowed by him, and, on their being properly discharged, in writing, shall draw and sign his warrant therefor on the treasurer. It shall also be the duty of the controller to lay before the common council, once in each year, in the month of July, or oftener if directed by the common council, a schedule of all accounts audited and allowed by him, and of all leases of the property of the corporation, specifying the names of the lessees, the rates of rent, and the period when the leases will terminate. It shall also be the duty of the controller to examine the tax rolls and returns of the city officers, and take general supervision of the financial concerns of the corporation; to keep a complete set of books, exhibiting the financial condition of the corporation in its various departments and funds, its resources and liabilities, with a proper classification thereof, and each fund or appropriation for any distinct object of expenditure, or class of expenditures. When any such fund or appropriation has been exhausted by warrants already drawn thereon, or by appropriations, liabilities, debts, and expenses actually made, incurred, or contracted for, and to be paid out of such fund or appropriation, the controller shall advise the common council thereof at its next meeting.

SEC. 8. The controller shall also open an account with the treasurer, in which he shall charge said treasurer with the whole amount of taxes, general and special, levied in said city, also the whole amount in detail of all bonds, notes, mortgages, leases, rents, interest, and other moneys receivable, in order that the value and description of all personal property belonging to the corporation may, at any time, be known. He shall also keep a list of all the

property, real, personal, and mixed, belonging to the corporation, and of all its debts and liabilities, in order that the amount of the moneys and liabilities of the corporation may at any time be known at his office. The controller shall also perform such other duties as are prescribed by this act, or may be prescribed by the common council, subject to the provisions hereof. The controller shall also open accounts with the treasurer, in which he shall charge him with all moneys appropriated, raised, or received for each of the several funds of the corporation, and credit him for all the warrants drawn thereon, keeping a separate account of debit and credit of each fund, charging every warrant drawn to the account of the particular fund constituted or raised for the specific purpose for which such warrant is drawn, in order that it may be known at the controller's office when each fund has been or may be exhausted, and what balance, if any, may remain therein.

Powers and
duties of treas-
urer.

SEC. 9. The treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases, and evidences of value belonging to the corporation. He shall receive all moneys belonging to and receivable by the corporation, and keep an accurate account of all receipts and expenditures thereof; but no receipt given by the city treasurer shall be valid unless countersigned by the controller. He shall pay no money out of the treasury except in pursuance of and by authority of law, and on a warrant signed by the controller, which shall specify the purpose for which the amount thereof is to be paid. He shall keep an accurate account of, and be charged with, all taxes and moneys appropriated, raised, or received for each fund of the corporation; shall keep a separate account for each fund, and shall pay every warrant out of the particular fund constituted or raised for the purposes for which said warrant was issued, and having the name of such fund endorsed thereon by the controller. He shall exhibit to the common council annually, and as often and for such period as may be required, a full and detailed account of all receipts and disbursements since the date of his last annual report, classifying them by the fund to which such receipts are credited, and out of which such disbursements are made; shall report to the controller, at the end of each month, the amount received and credited by him to each fund, and on what account received; and shall also, when required, exhibit a general statement showing the financial condition of the treasury; which account, report, and statement shall be filed in the office of the controller.

Powers and
duties of city
engineer.

SEC. 10. The city engineer shall have power, and it shall be his duty, to survey within the corporation limits. He shall have the same power to make surveys and plats within the corporation limits as are now or may hereafter be given, by law, to county surveyors, and the like effect and validity shall be given to his official acts, surveys, and plats as are or may hereafter be given, by law, to the official acts, surveys, and plats of county surveyors. He shall make out the assessment rolls for paving, for side and crosswalks, for lateral sewers, and for all other special assessments, and shall survey for the city.

SEC. 11. The board of assessors shall assess all the property liable

to assessment, for the purpose of levying the taxes lawfully imposed ^{Assessors.} thereon, as hereinafter more particularly provided.

SEC. 12. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys and effects in his custody as such officer, and in any way appertaining to his office, and every person violating this provision shall be deemed guilty of misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense, under the general laws of this State now or hereafter in force and applicable thereto, and every officer appointed or elected under this act, shall be deemed an officer within the meaning and provisions of such general laws of the State.

SEC. 13. In addition to the rights, powers, duties, and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties, and liabilities, subject to and consistent with the provisions of this act, as the common council may deem expedient and shall prescribe by ordinance or resolution.

SEC. 14. The mayor, recorder, and members of the common council, clerk, controller, clerk, and deputy clerk of the recorder's court are hereby authorized generally to administer oaths and to take affidavits, but neither of said officers shall receive any fees therefor except said clerks. The controller shall have the power to take acknowledgments of deeds under the laws of this State.

SEC. 15. The mayor may issue process and hear in a summary way, any complaint against any person to whom a license of any description has been granted in pursuance of this act, for any violation of the laws of the State or the ordinances of the corporation, and may issue subpoenas and compel the attendance of witnesses on the hearing of such complaint in the same manner as justices of the peace in the trial of civil cases, and on such hearing may annul such license or suspend it for any certain time. Every determination on such complaint shall be forthwith filed with the clerk of the city, who shall serve a certified copy thereof on the person holding a license affected by such determination, either personally or by leaving the same at his or her usual place of abode, and from the time of such service such license shall be annulled or suspended, according to the tenor of such determination.

SEC. 16. Whenever in the opinion of the common council any building, fence, or other structure of any kind, or any part thereof, is liable to fall down and endanger persons or property, they may order any owner or occupant of the premises on which such building, fence, or other structure stands, to take down the same or any part thereof, within such time as they may direct. In case the order shall not be complied with they may cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the expense on the land on which it stood. The order if not immediate in its terms, may be served on any occupant of the premises or be published in the city paper, as the

Barbed wire fences, etc.

common council shall direct. The common council shall also have power to prevent the construction and punish the maintenance of any fence on or along any street or in front of any public place or space that is composed in whole or in part of barbed wire or iron, or so constructed as to be dangerous and liable to injure persons passing in front of the same.

Auditing and allowance of accounts against city.

SEC. 17. The common council shall audit and allow all accounts chargeable against the city, but no unliquidated account, or claim, or contract shall be received for audit or allowance unless it be accompanied with an affidavit of the person rendering it, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no set-off exists, nor payment has been made on account thereof, except such as are included or referred to in such account or claim. It shall be a sufficient bar and answer to any action or proceeding in any court for the collection of any demand or claim against said city that it has never been presented to the common council for audit or allowance, or if on contract, that it was presented without said affidavit and rejected for that reason, or that the action or proceeding was brought before the common council had a reasonable time to investigate and pass upon it.

City clerk to countersign licenses, etc.

SEC. 18. The city clerk shall countersign all licenses granted by the mayor or any other officer thereto authorized, and shall enter in proper books full minutes of such licenses, and no license shall be valid unless so countersigned.

CHAPTER VI.

REPORTS OF OFFICERS AND BOARDS.

Reports, estimates, etc., of officers.

SECTION 1. The board of aldermen or board of councilmen may at any time by resolution require from the various officers, boards, and commissioners of the corporation reports and detailed statements of any matter under their control, and it shall be the duty of such officers, boards, and commissioners to comply with said resolution; the common council may by ordinance determine the date and from time to time change the same, at which estimates of such officers, boards, and commissioners of said corporation for the next fiscal year shall be made.

CHAPTER VII.

COMMON COUNCIL—HOW CONSTITUTED—POWERS AND DUTIES.

Of whom council composed.

SECTION 1. The legislative power of the city is vested in a common council, to be composed of the board of councilmen and board of aldermen, as hereinafter constituted.

Board of councilmen, quorum, etc.

SEC. 2. Twelve councilmen, who shall be qualified electors and hold office as otherwise provided by the charter, shall constitute the board of councilmen, a majority of whom shall be a quorum for the transaction of business; but a smaller number may adjourn

from day to day; and upon a call of the board of councilmen by any member thereof, if supported by a majority of the members present, whether a quorum or not, the president shall have power to send any member of the police force of the city to bring the absent councilmen forthwith before said board.

SEC. 3. The board of councilmen shall be the judge of the election and qualification of its own members, and they shall serve without compensation. Board to be judge, etc., of election of its members.

SEC. 4. The board of councilmen shall hold one regular session each week, and no more, at such times and places as they shall by ordinance or resolution direct, and may adjourn regular sessions from time to time as may be deemed expedient, and shall have power to adopt rules to govern their proceedings. Regular sessions of.

SEC. 5. Special meetings of the board of councilmen may be called at any time by the mayor, or if one-third of the councilmen elected shall, in writing, request the president to call a special meeting, stating therein the time and objects thereof, and if he shall refuse or neglect for twenty-four hours to call such meeting, a copy of such request may be filed with the clerk of the city, with the certificate of a councilman endorsed thereon, showing the presentation thereof to the president, and his refusal or neglect as aforesaid, and thereupon such special meeting shall be held, and the clerk shall cause notice thereof and of the time and [the] place to be served on each of the members of the board personally, or by leaving the same at their usual place of abode, and the proceedings of said meeting shall be limited to the objects thereof as set forth in such request to the president. Special meetings may be adjourned from time to time as may be deemed necessary in order to dispose of the business which they are called to consider. Calling of special meetings of.

SEC. 6. The board of councilmen at its regular meeting on the second Tuesday of January in each year, and after the newly elected councilmen, or a majority thereof, shall have entered into their offices, shall elect by a *viva voce* vote from their number a president and president *pro tempore*, who shall serve for the period of one year unless sooner removed by death or otherwise, and shall have the powers and duties prescribed by this act. The city clerk shall be the clerk of said board, and keep a journal of the proceedings thereof, and shall call the first meeting of the holding over and newly elected councilmen to order, and shall preside over the same and each of their subsequent meetings until a president of such board shall be elected, and no other business shall be transacted by said board until a president thereof shall have been chosen. Election of president, and president pro tempore.

SEC. 7. The president of the board of councilmen shall appoint such committees as the board may deem necessary. The duties of standing committees shall be prescribed by the general ordinance. Appointment of committees.

SEC. 8. All nominations by the mayor or any other officer of any board or commission shall be made to and be confirmed by the board of councilmen. All ordinances, resolutions, or proceedings of any kind, levying taxes or assessments, or involving or contemplating the expenditure or payment of money or liability therefor, may originate in either board of the common council, but shall not take Duties of board in nominations, appropriation measures, reports, contracts, etc.

effect until considered and approved by both bodies of the said council, and all annual reports from city officers or boards, all contracts and bonds given for the faithful performance of work, and all claims and accounts shall be sent to or originate in the board of aldermen, and be by that board, with its action thereon, transmitted to the board of councilmen, and shall not go into effect or be of any force until considered and approved by both of said boards.

Board of aldermen, quorum, etc.

SEC. 9. The aldermen of the city shall constitute the board of aldermen thereof, and a majority of all the aldermen elected shall be a quorum for the transaction of business, but a smaller number may adjourn from day to day, and upon a call of the board of aldermen by any member thereof, if supported by a majority of the members present, whether a quorum or not, the president shall have power to send any member of the police force of the city to bring the absent aldermen forthwith before said board. The clerk of the city shall be the clerk of the board of aldermen.

Election of president, and president *pro tempore*.

SEC. 10. The board of aldermen at their regular meeting on the second Tuesday in January in each year, and after the newly elected aldermen, or a majority thereof, shall have entered into their offices, shall elect by a *viva voce* vote from their number a president and a president *pro tempore*, who shall serve for the period of one year, unless sooner removed by death or otherwise, and shall have the powers and duties prescribed in this act. And the clerk of said city shall call the first meeting of the holding over and newly elected aldermen to order, and shall preside over the same and each of their subsequent meetings until a president of such board of aldermen shall be elected, and no other business shall be transacted by said board until a president thereof shall have been chosen.

First meeting of.

SEC. 11. The board of aldermen shall hold one regular session each week and no more, at such time and place as they shall by ordinance or resolution direct, and may adjourn regular sessions from time to time as may be deemed expedient. In no case, however, shall an adjourned session be deemed for any purpose another regular session.

Regular sessions of.

SEC. 12. Special meetings of the board of aldermen may be called at any time by the mayor, or if one-third of the aldermen elected shall, in writing, request the president of the board of aldermen to call a special meeting, stating therein the time and objects thereof, and if he shall refuse or neglect for twenty-four hours to call such meeting, a copy of such request to the president may be filed with the clerk of the city, with the certificate of an alderman indorsed thereon, showing the presentation thereof to the president and his refusal or neglect as aforesaid, and thereupon such special meeting shall be held, and the clerk of the city shall cause notice thereof and of its time and place to be served on each of the members of the board of aldermen personally, or by leaving the same at their usual place of abode, and the proceedings of said meeting shall be limited to the objects thereof as set forth in such request to the president. Special meetings may be adjourned from time to time as may be deemed necessary in order to dispose of the business which they are called to consider.

Calling of special meetings of.

SEC. 13. Every ordinance, resolution, or proceeding of the board of aldermen imposing taxes or assessments, or originating the expenditure or disposal of money or property, or whereby the corporation, or any board of officers under this act, may incur any debt or liability, including ordinances and resolutions for the fixing of salaries and for the payment of debts and liabilities previously and lawfully contracted, excepting, however, resolutions making appointments to office, shall be transmitted to the board of councilmen for action thereon, and if adopted and concurred in by said board of councilmen shall, except such resolution making appointments to or removal from office, and except ordinances and resolutions for the fixing of the annual estimates and salaries, and for the payment of debts and liabilities previously and lawfully contracted, before it takes effect, be presented by the clerk to the mayor; if the mayor approve thereof he shall thereon write his approval, etc., by mayor, with the date thereof, and sign the same; and thereupon such ordinance, resolution, or proceeding shall go into effect; and such as he shall not so approve and sign he shall return to the board in which it originated, with his objections thereto in writing, under cover, sealed and addressed to said board.

SEC. 14. If the mayor shall neglect to approve, as aforesaid, any ordinance, resolution or proceeding, or return the same as aforesaid, with his objections, at its next regular meeting after the same shall have been presented to him by the clerk, as before provided, the same shall go into effect.

SEC. 15. Upon the return, as aforesaid, of any ordinance, resolution or proceeding, the board receiving such matter, with the objections of the mayor, shall proceed to reconsider the vote by which the same was passed and adopted; and if, after such reconsideration, two-thirds of all the members elected of the board of councilmen and board of aldermen respectively shall agree by ayes and noes, which shall be entered of record, to pass or adopt the same, it shall go into effect.

SEC. 16. The clerk of the city shall, at the time of presenting any ordinance, resolution, or proceeding of the common council to the mayor for his approval or disapproval, make a certificate to be endorsed thereon or attached thereto, in which he shall specify the day on which the same was so presented; and such certificate shall be recorded with the proceedings of the common council.

SEC. 17. All ordinances, resolutions, and written proceedings of the common council shall be deposited in the office of the clerk of the city, who shall safely keep the same, and they shall be recorded in proper books, to be provided therefor. He shall keep a journal record of the proceedings of the board of councilmen and board of aldermen, and also a record of every ordinance enacted, and of the time of its first publication, which record shall be signed by the clerk, and by the presidents of the respective boards.

SEC. 18. Such part of the proceedings of the common council as the council may deem advisable and direct may be published in the official daily newspaper, published in said city, in the English language, or said proceedings or any part thereof may be published in

Ordinances, res.
olutions, etc.,
involving expen-
diture of money,
to be submitted
to councilmen,
etc.

Approval, etc.,
by mayor.

When mayor
neglects to
approve, etc.

Passing ordi-
nances, etc.,
over objections
of mayor.

Certificate
attached to ordi-
nances pre-
sented, etc.

Ordinances, etc.,
to be deposited,
recorded.

Clerk to keep
journal of pro-
ceedings.

Publication of
proceedings of
council.

- Publication of ordinances.** such other form as the council may by resolution direct. All ordinances shall be published for three successive days in such official daily newspaper, and shall take effect in ten days after their enactment: *Provided, however,* That the common council may fix and prescribe therein a different period, and that no ordinance shall take effect before one publication thereof: *And provided further,* That the common council may direct such portion of such proceedings and ordinances as it may deem proper to be published in other languages, in a newspaper published in such language in said city, at a price not exceeding the rates paid the official paper, and at an annual expense not exceeding twenty-five hundred dollars for all publications in other languages.
- Proviso.**
- Further proviso.**
- Style of ordinances.** SEC. 19. The style of all ordinances shall be "It is hereby ordained by the people of the city of Detroit." No ordinance shall be revised, altered, or amended by reference to its title only, but the section or sections of the ordinance altered or amended shall be re-enacted and published at length.
- Meetings of council to be public.** SEC. 20. All meetings of the common council shall be public, and its proceedings and records shall be open to public inspection, at reasonable times.
- Petitions of inhabitants.** SEC. 21. The inhabitants of said city shall have the right to petition the common council or either body thereof.
- Board of aldermen to be judge of election, etc., of its members.** SEC. 22. The board of aldermen shall be the judge of the election and qualifications of its own members, and shall have the power to determine contested elections to said board; the compensation of members of the said board shall be three dollars to each member for attendance at each regular session of the board, and no member shall receive or be paid such per diem unless for actual attendance; said board shall also have power to determine the rule of its proceedings, and to pass and enforce all by-laws and rules necessary and convenient for the transaction of business, and not inconsistent with the provisions of this act.
- Council to have management, of property, etc.** SEC. 23. The common council shall have the general management and control of the finances, and all the property, real, personal, and mixed, belonging to the corporation, whether lying within, or beyond the limits of said city, with full power to lease, sell, convey, transfer, and dispose of the same, absolutely, and shall have power to make all necessary regulations for preserving and protecting the same from destruction, decay, or injury, and concerning the management thereof.
- Passage of ordinances, involving expenditure of money, etc.** SEC. 24. No resolution, ordinance, or proceeding of the common council, imposing taxes or assessments, or requiring the payment, expenditure, or disposal of money, or property, or creating a debt, or liability therefor, and no other ordinance shall be passed at the same meeting at which it was introduced, unless by unanimous consent, or at a special meeting called therefor, and every such ordinance, resolution, or proceeding shall be passed by ayes and nays, to be entered on the record; and, upon the demand of one-fourth of the members present, the ayes and nays shall be taken on any question, and entered upon the record.
- Voting.** SEC. 25. No councilman or alderman shall vote on any question

in which he is interested; on all other questions every councilman and alderman present shall vote, and in all cases of tie vote the question shall be lost.

SEC. 26. All appointments to office by the board of aldermen shall be made by a majority vote of all the aldermen elected, and Appointments to office by alder-removals from office shall be made by a majority vote of all the men. members of the common council elected, except in cases where, by this act, a different vote may be required.

SEC. 27. The president of the board of aldermen shall appoint such committees as the board may deem necessary. The duties of standing committees shall be prescribed by general ordinance. Appointment of committee.

SEC. 28. The chairman of any committee, and the members of any board established by or under this act, may administer oaths and take affidavits in respect to any matter pending before such committee or board; such committees or board shall have power to subpoena witnesses, to compel their attendance, and the production of necessary papers in all examinations pending before them, and to that end the common council may prescribe and regulate the necessary proceedings and confer upon the police force of said city, or any officer of the corporation, all needful powers for the purposes aforesaid. The common council shall have power to provide by ordinance for the enforcing of the provisions of this section, and to prescribe the penalty for a violation of any of the provisions thereof. Powers of com-mittee, etc., to administer oaths, etc.

SEC. 29. The common council, in addition to its other powers under this act, and subject to and consistently with its provisions, shall have power within the limits of jurisdiction of the corporation, as are specified in the following sections. Additional powers of council.

SEC. 30. The common council shall have power to provide for and regulate the election and appointment of all officers, and for their removal from office, and for the filling of vacancies subject to the provisions of law; and may authorize and regulate the demand and receipt, by officers, of such fees and costs, and in such cases as the council may deem reasonable. It may also fix and regulate the compensation of all officers elected or appointed under or by virtue of any act relating to said city, except as may be otherwise provided; but the compensation of no officer, fixed by an annual or periodical salary shall be diminished during the term for which he was elected or appointed; nor shall the salary of any officer be increased during his term of office, unless by a two-thirds vote of said council. Regulation of election and appointment of officers, filling vacancies, compensation, etc.

SEC. 31. The common council shall have power to provide for and preserve the purity and salubrity of the waters of the Detroit river; to prohibit and prevent the depositing therein of all filthy and other matter tending to render said water impure, unwholesome, or offensive; to preserve and regulate the navigation of the said river within the limits of the said city; to prohibit and prevent the depositing of or keeping therein any structure, earth, or substance tending to obstruct or impair the navigation thereof; to remove all obstructions that may at any time occur therein, and to direct and to regulate the stationing, anchoring, and mooring of vessels. Preservation of salubrity of waters of Detroit river. Navigation of etc.

Licensing ferries. sels and the laying out of cargoes and ballast for the same. It may also license, continue, and regulate as many ferries from within said city to Belle Isle, and the opposite shore of the Detroit river, for the carrying and transporting of persons and property upon and across said river in such manner as shall seem most conducive to the public good: *Provided, however,* That nothing in this act contained shall be construed to prevent the construction and maintenance of a bridge across the Detroit river. It shall be the duty of the board of metropolitan police commissioners to detail an officer or member of the metropolitan police force of said city, who shall act as, and whose official designation shall be, harbor master. The harbor master shall have full police powers over the waters of the Detroit river, within said city, and shall enforce the ordinances of the city in regard thereto. He shall have power to control and regulate the anchoring of vessels and boats in said river, and the use of the docks and wharves along the same, and it shall be the duty of every captain, master, owner, or other person in charge of any such vessel or boat to comply with the ordinances of the city, and to obey the instructions and directions of said harbor master; and in case of any neglect or refusal so to do, it shall be the duty of the harbor master to move said boat or vessel, and for that purpose he may employ men and tugs, and may enter upon, and take and retain possession of said boat or vessel until the reasonable expenses so incurred by him have been paid by the master or other person having charge of said boat or vessel; and the police force of said city shall render him such assistance as may be necessary to enforce the city charter and ordinances. Any captain, master, owner, or other person in charge of any vessel who shall neglect or refuse to comply with the instructions and directions of the harbor master, in the performance of his duties, shall be deemed guilty of a misdemeanor.

Proviso. SEC. 32. The said council may erect, and repair and regulate public wharves and docks at the ends of streets, and on the property of the corporation. It shall have power to regulate the erection and repair of private wharves and docks, so that they shall not extend into the Detroit river beyond a certain line, to be established by the common council, and to prohibit the incumbering of all public wharves and docks, with boxes, carriages, carts, drays, sleighs, sleds, or other vehicles or things whatever. The common council may also lease the wharves and wharfing privileges at the end of streets on the Detroit river in said city, upon such terms and conditions, and under such covenants, and with such remedies in case of non-performance as the common council may direct; but no buildings shall be erected thereon, no lease thereof shall be executed for a longer period than three years: *Provided,* That a free passage at all times, for all persons, with their baggage, over said public wharves, shall be reserved.

Council to make, grade, adorn, etc., public grounds. SEC. 33. The common council shall have power to make, grade, improve, and adorn the public squares, spaces, grounds, and parks belonging to or under the control of the corporation, and to control and regulate the same consistently with the purposes and

objects thereof. It shall have power to establish, open, widen, To open, widen,
extend, straighten, alter, vacate, and abolish highways, streets, repair, pave,
avenues, lanes, alleys, and public grounds or spaces within said
city, and to grade, pave, repair and otherwise improve the high-
ways, streets, avenues, lanes, alleys, or interior public spaces
created by the intersection of streets, crosswalks and sidewalks in
said city with stone, wood, brick, or other material, and the com-
mon council shall have full power and authority to provide for the
paying the costs and expenses thereof, by assessment in such man-
ner as shall be prescribed by law, which assessment shall be a lien,
until paid, on the lot, lots, or premises on which the same are
bounded, and shall be collected in such manner as shall be author-
ized by law. The said common council may also provide for work- Working
ing and improving all highways, streets, avenues, lanes, alleys, and of highways,
public spaces within said city, and may assess and levy upon the streets, etc.
taxable property within said city, and expend such highway taxes
therefor as may be necessary, and may elect whether the same shall
be collected in money or labor in such amount as the common
council shall prescribe for each ward respectively: *Provided*,
Such highway taxes shall not in amount exceed the rates now
fixed by law, and the same shall be assessed, levied and collected
as other taxes.

SEC. 34. Said council shall also have power to provide for clean- Cleaning of
ing the highways, streets, avenues, lanes, alleys, public grounds
and squares, crosswalks and sidewalks in said city, of dirt, mud,
filth and other substances, and for selling or otherwise disposing of
the same, and of all earth to be removed therefrom or from the
public squares and grounds of said city in grading, paving, or other-
wise improving the same; it shall, further, have power to prohibit Encumbering lot.
and prevent encumbering or obstructing of streets, lanes, alleys,
crosswalks, sidewalks, and all public grounds and spaces, with
vehicles, animals, boxes, signs, barrels, posts, buildings, dirt, stones,
brick, and all other materials or things whatsoever, of every kind
and nature, and to remove the same therefrom; to prevent the signs.
exhibitions of signs on canvas, or otherwise, in and upon any
vehicle standing or traveling upon the streets and public grounds of
said city; to control, prescribe, and regulate the mode of construct- Awnings.
ing and suspending awnings, and the exhibition and suspension of
signs therein, to compel within such limits or along such streets in Clearing walks,
said city as the common council shall prescribe, all owners or etc.
occupants of lots, blocks, or parcels of land within said limits or
along said streets to clear the sidewalks in front of and adjacent
thereto of snow, ice, dirt, mud, boxes, and every incumbrance or
obstruction thereon, and in case of non-resident lands and of lands
belonging to churches, corporations, charitable and other like asso-
ciations, and of lands in the hands or control of executors, admin-
istrators, guardians, assignees, trustees, or agents, and in all other
cases where such snow, ice, dirt, mud, boxes, incumbrances, or
obstruction, is or are not removed within the time required and
prescribed by ordinance, the common council shall have full power
to cause the removal of the same, and cause the expense of such

Use of streets, etc.	removal to be assessed, levied, and collected from the abutting property in the same manner as assessments are made, levied, and collected for the repair and construction of sidewalks; and any assessment so made shall become a lien upon the property assessed at the time when the same is due and payable; also to control, prescribe, and regulate the manner in which the highways, streets, avenues, lanes, alleys, public grounds and spaces within said city shall be used and enjoyed; also to provide for sprinkling the streets and public places in said city, or any portion thereof, not less than one block, upon a petition of a majority of the persons owning the lots and parcels of land abutting the same, and to assess and collect the expense of such sprinkling upon and from such lots and parcels of land in the same manner as assessments are made and collected by [for] paving streets in said city; also to prohibit
Sprinkling streets, etc.	
Construction of wooden build- ings.	and prevent the location or construction of any wooden or frame house, store, shop, or other building, on such streets, alleys, and places, or within such limits in said city as the common council may from time to time prescribe; to prohibit and prevent the removing of wooden or frame buildings from any part of said city to any lots on such streets, alleys, and places within said limits, and the rebuilding and repairing of the same; to direct and regulate the planting and provide for the preservation of ornamental trees on said highways, or said avenues, streets, and public places;
Trees.	
Lighting streets, etc.	to provide for and regulate the lighting of the said avenues, streets, and public places, and the erection of lamps and lamp-posts therein; to prohibit and prevent racing, or fast and dangerous driving and riding therein; to prohibit and prevent the flying of kites, and all practices, amusements, and doings therein having a tendency to frighten teams and horses, or dangerous to life or property; to remove or cause to be removed all walls and other structures that may be liable to fall therein, or otherwise, so as to endanger life or property; to compel and regulate the inspection of all steam boilers used in said city for operating machinery or for heating purposes, and to require and compel all engineers and persons in charge of, operating or using steam boilers for any of the purposes above named, to be licensed and to give security for faithful performance of duty in such sum as the said council shall prescribe; to compel persons to fasten or secure their horses, oxen, or other animals attached to vehicles, or otherwise, while standing or remaining in the streets, lanes, or alleys of said city; to prevent persons from driving in vehicles, or otherwise, upon or across the sidewalks thereof; and said council shall also have power to license and regulate by ordinance the keeping and maintenance of intelligence offices, and to require the person in charge of and conducting such offices to furnish a good and satisfactory bond for the due observance of the charter and ordinances of said city.
Driving on sidewalks, etc.	
Intelligence offices.	
Ringing of bells, blowing of whistles, etc.	SEC. 35. The council may regulate the ringing of bells and [the] blowing of steam whistles; and may provide for the prohibition and prevention of any riot, rout, disorderly noise, disturbance, or assemblage, or the crying of any goods in the streets or elsewhere in said city, or the exhibition of fireworks and firing of cannon, or

any fireworks dangerous to life or property, within the limits of said corporation. It may also prohibit and prevent in the streets Indecent exposure, obscene, etc. or elsewhere in said city indecent exposure of the person, the show, sale, or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind, and may provide for the general peace, order, and good government of said city.

SEC. 36. The common council shall have power to preserve quiet and order on the docks and in the streets of said city, at the arrival and departure of railroad cars, steamboats, and other vessels, and prescribe and regulate the manner and place in which drivers, porters, runners, solicitors, agents, and baggage collectors for hotels or public houses, or express companies, draymen, cabmen, cartmen, hackmen, omnibus drivers, and solicitors for passengers, or for baggage, with their drays, carts, cabs, carriages, sleighs, or other vehicles, shall stand, and to prohibit or prevent them from entering or driving within any railroad depot, or upon any wharf or dock, or entering upon any steamboat or other vessel, to solicit passengers or luggage. It may also prescribe places or stands in the streets of said city within which drays, carts, cabs, backs, coaches, carriages, sleighs, sleds, and other vehicles may stand and be kept for hire, and within which loads of wood, coal, hay, and other articles may be kept for sale, and to regulate such stands and places.

SEC. 37. The common council shall have power to prohibit and prevent, or regulate the leading and driving, or running at large, of cattle, horses, asses, mules, swine, sheep, goats, geese, and domestic fowls, in the streets, or elsewhere in said city, and to impound the same when running at large, in one or more sufficient pounds, to be provided and maintained by the city, and to sell the same to pay the cost of proceedings, and any penalty thereby incurred, rendering the surplus, if any, to the owner. It may also prohibit and prevent or regulate the keeping and harboring of fierce and vicious dogs, and prevent or regulate the running at large of dogs, or require them to be muzzled, and may authorize their destruction.

SEC. 38. The common council may establish, construct, maintain, repair, enlarge, and discontinue within the highways, streets, avenues, lanes, alleys, and public places of said city, such bridges, culverts, sewers, drains, and lateral sewers and drains, as the common council may see fit, with a view to the proper sewerage and drainage of said city, and may compel the owners of all occupied lots, premises, and subdivisions thereof, within said city, to construct private drains or sewers therefrom, to connect with some public sewer or drain; said private drains and sewers shall be constructed in such manner, and of such form and dimensions, and under such regulations as the common council shall prescribe.

SEC. 39. The common council shall have power to survey, ascertain and establish the boundaries of all highways, streets, avenues, lanes, alleys, public parks, squares, and spaces in said city, and to

Encroachments. provide for and enforce the numbering of the buildings thereon ; to prohibit and remove all encroachments upon and obstructions in the same, by buildings, fences, or in any other manner.

Draining of low lands, etc. SEC. 40. The said council may provide for the draining of any swamp, marsh, wet, or low lands in said city, or within the distance of three miles therefrom, by the opening of ditches; but a jury of not less than twelve disinterested freeholders of the county of Wayne, before any proposed ditch can be opened, shall ascertain that the opening thereof is necessary or proper; also whether the benefits which will accrue to the owner or owners of any lands, from the opening of the ditch, will or will not be equal to any damages be or they will sustain thereby. If such benefits are exceeded by the damages, they shall ascertain and certify the damages to which the owner or owners will be entitled, after deducting therefrom the amount of benefits their lands will receive from the opening of the proposed ditch. On payment or tender of the damages thus ascertained and certified, the common council shall have power to enter upon any land through which the proposed ditch will run, with the necessary agents, teams and implements, to cut and open said ditch ; to protect, clean, and scour it from time to time, so as to preserve its original dimensions, and to prohibit and prevent all obstructions thereof or injury thereto. In empaneling said jury, the right of challenge shall be preserved as in ordinary civil cases. No more than two peremptory challenges shall be allowed to the city, and a like number to the person or to the parties collectively, whose lands are to be affected by the proceeding. The challenge to the array shall be in writing, and shall distinctly state the reasons therefor.

Purchase, etc., of real estate. SEC. 41. The common council shall have power to purchase real estate for the use of said corporation, for corporate purposes, and to execute mortgages of the same, for any balance which may remain unpaid on the purchase money paid for such real estate. They shall also have power to purchase and control land for cemetery purposes, either within or without the corporate limits of said city ; erect or provide for the erection of all needful buildings and offices for the use of the corporation or of its officers, and to control and regulate the same ; to establish, organize, and maintain an alms-house and a hospital ; to purchase the necessary grounds and erect and provide for erecting the necessary buildings therefor, either within or without the city limits, and to use, control, and regulate the same as fully as though located within such limits ; and for such purchase of hospital grounds and for the erection of hospital buildings the said common council shall have power to expend and appropriate out of the contingent fund of said city a sum not exceeding fifteen thousand dollars; to establish and build jails, workhouses, and houses of correction for the confinement of offenders ; to erect and provide for erecting the necessary buildings therefor, and control and regulate the same ; to appoint all necessary officers for taking charge of the same, and of persons confined therein ; to prescribe their powers and duties, and provide for their removal from office and the filling of vacancies ; to erect and main-

Cemeteries.

Buildings and offices.

Almshouse and hospital.

Jails, work-houses, etc.

tain market houses; establish markets and market places; to lease ~~Markets.~~
market stalls, booths, and stands; to provide fully for the good government and regulation thereof, and to prohibit, prevent, and punish forestalling and regrating.

SEC. 42. The council shall have power to provide for the preservation of the general health of the inhabitants of said city; to make regulations to secure the same; to prevent the introduction or spreading of contagious or infectious diseases; to prevent and suppress diseases generally, and if deemed necessary to establish a board of health, and prescribe and regulate its powers and duties; to prohibit, prevent, abate, and remove all nuisances in ~~Nuisances.~~
^{Preservation of health, prevention of spread of contagious diseases, etc.} said city, or within the distance therefrom of half a mile, and to punish the authors and [or] maintainers thereof; and authorize and direct the speedy or immediate abatement or removal of nuisances by some officer of said city. If in order to abate or remove any nuisance, the common council shall deem it necessary to fill up, level, or drain any lot or premises, they shall have the power so to do; to assess the costs [cost] and expenses of such filling, leveling, or draining, and impose the same as an assessment or tax on said lot or premises, which shall be a lien thereon till paid, and shall be collected in the same manner as other taxes and assessments, levied and imposed by authority of the common council; it shall ^{Unwholesome or nauseous places.} also have power and authority to compel the owner or occupant of ^{Unwholesome or nauseous substances.} any grocery, cellar, tallow chandler's shop, soap, candle, starch, or glue factory, tannery, butcher's shop or stall, slaughter-house, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse or abate the same, whenever necessary for the health, comfort, or convenience of the inhabitants of said city; to prohibit and prevent any person from burying, depositing, or leaving within the limits of said city, or within one mile distant therefrom, or keeping or having on the premises owned or occupied by him, in said city, any dead carcass, putrid or unsound beef, pork, fish, hides and skins, and any article, substance, or thing that is unwholesome or nauseous, and to compel and authorize the removal thereof by some officer of said city, or to compel any person so bringing, depositing, or leaving within the limits of said city, or within one mile distant therefrom, or keeping or having on the premises owned or occupied by him, in said city, any dead carcass, putrid or unsound beef, pork, fish, hides and skins, and any article, substance, or thing that is unwholesome or nauseous, and to compel and authorize the removal thereof by some officer of said city, or to compel any person so bringing, depositing, or leaving the same within the limits of said city, or one mile distant therefrom, or having or keeping the same on the premises owned or occupied by him in said city, to remove the same.

SEC. 43. The said council may direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies; ^{Cellars, slips, private drains, etc.} compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same, or to cause the same to be done by some officer of the corporation, and assess the expenses thereof on the lot or premises having such cellar, slips, barn, private drain, sink, or

Construction of lateral sewers.

privy thereon, which assessment shall be a lien on such lot or premises, and be collected in the same manner as other assessments imposed by authority of the common council. It may also direct and regulate the construction of lateral sewers or drains, for the purpose of more effectually draining all lots, or cellars, yards, and sinks within the limits of said city, whenever, in their opinion, the same shall be necessary. Such lateral sewers or drains shall be laid or constructed through any of the streets or alleys adjoining, or in front of the premises through which sewers or drains shall be ordered constructed, and assess the expense [expenses] thereof on such lots or premises benefited thereby, which assessment shall be a lien on such lots or premises until paid, and be collected in the same manner as other assessments imposed by authority of the council.

Keeping and conveyance of combustibles.

SEC. 44. The common council may regulate the keeping and conveyance, in said city, of powder and other combustible or dangerous articles, and the use and kind of lights or lamps to be used in barns, stables, and all buildings and establishments usually regarded as extra hazardous in respect to fire; and shall have power to prohibit and prevent, within certain limits in said city, to be determined by the common council, the location or construction of buildings for the storing of powder, powder factories, tanneries, distilleries, buildings for the manufacture or storing of turpentine, camphene, and dangerous or easily inflammable or explosive substances, slaughter-houses and yards, butchering shops, soap, candle, starch and glue factories, establishments for steaming or rendering lard, tallow, offal, and such other substances as can be rendered into tallow, lard, or oil, and all establishments where any nauseous, offensive, or unwholesome business may be carried on. And such buildings, factories, shops, and establishments as aforesaid, now or hereafter to be constructed in said city, whether within or without the limits, to be determined as aforesaid, together with blacksmith shops, foundries, cooper shops, steam boiler factories, carpenter shops, planing establishments, breweries, and all buildings and establishments usually regarded as extra hazardous in respect to fire, shall be subject to such regulations in relation to their construction and management as the common council may make, with a view to the protection of any property from injury by fire, or to the health and safety of the inhabitants of the city, and to prevent their becoming in any way a nuisance.

Buildings for storing of.

Slaughter houses, etc.

Construction and management of buildings for business extra hazardous in respect to fire.

Construction of buildings, partition fences, walls, chimneys, stove-pipes, etc.

SEC. 45. The common council is authorized to prevent the building or repairing of wooden buildings on said streets, alleys, and places, or within said limits, when damaged by fire and otherwise; to regulate the construction of stone or brick buildings, of partition fences, and of partition or parapet walls, the thickness of walls; to regulate the construction of chimneys, hearths, fire-places, fire-arches, ovens, and the putting up of stoves, stove-pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney flues, to compel and regulate the cleaning thereof, and to fix the fees thereof; to compel and regu-

late the construction of ash houses, or deposits for ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof, and stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of a fire all idle or suspicious persons, and to compel all officers of the city and other persons to aid in the extinguishment of fires and in the preservation of property exposed to danger therefrom.

SEC. 46. The common council is hereby empowered to prohibit ^{Bathing and swimming.} and prevent, or regulate bathing and swimming in any of the waters in and adjoining said city, determine the times and places thereof, and prohibit and prevent any obscene or indecent exhibition, exposure, or conduct thereat; and may also license and regulate public bath-houses or bath-rooms on land, and any public floating bath-house, bath-rooms, or vessels on [the] Detroit river.

SEC. 47. The common council may prohibit, prevent, and suppress the keeping and leasing of houses of ill fame, or assignation, or for the resort of common prostitutes, disorderly houses, and disorderly groceries. It may restrain, suppress, and punish the keepers thereof, and the owners and lessors of such premises; it may punish, restrain, and prevent common prostitutes, vagrants, mendicants, street beggars, drunken, or disorderly persons. The common ^{Disorderly houses, etc.} council may also prohibit, prevent, and suppress mock auctions of every kind of fraudulent device or practice, and punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management, use, or practice thereof.

SEC. 48. The said council shall have power to prohibit, prevent, ^{Sale of unwhole- some provisions, impure wines, etc.} and suppress the sale of every kind of unsound, nauseous, and unwholesome meat, poultry, fish, vegetables, or other articles of food and provisions, and impure or spurious wines and spurious liquors, and to punish all persons who shall knowingly sell the same, or offer or keep the same for sale; to prohibit and prevent persons from selling or giving away ardent spirits, or other intoxicating liquors to any child, apprentice, or servant without the consent of his or her parent, guardian, master, or mistress; to license ^{Sale of ardent spirits to chil- dren, appren- tices, etc.} and regulate the selling or giving away of any ardent spirits or any other intoxicating liquors by any shop keeper, trader, grocer, inn, hotel, or tavern keeper, keeper of any ordinary, saloon, recess, victualing, or other house, or by any other person, in case the selling or giving away of ardent spirits or other intoxicating liquors, and license the sale thereof, shall hereafter be authorized by the law of the State.

SEC. 49. The common council shall have power to prohibit, ^{Gaming.} restrain, and prevent persons from gaming with cards, dice, billiards, nine or ten pin alleys, wheels of fortune, boxes, machines, or other instruments or devices whatsoever in any grocery, store, shop, or any other place in said city; to punish the persons keeping the

Licensing of
billiard tables,
etc.

building, instruments, or means for such gaming, and compel the destruction of the same. It may license and regulate keepers of billiard tables, pin alleys, nine or ten pin alleys, but not for the purpose of gaming. It may also prohibit, prevent, and suppress all lotteries for the drawing or disposing of money, or any other property whatsoever, and punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, direction, or management thereof. The council shall also have power to regulate or prohibit, prevent, and suppress pool selling, or the keeping of pool rooms or places, or the keeping of houses, rooms, or places resorted to for the purpose of betting on base-ball games, horse races, or any other betting whatever.

Pool selling.

Public houses,
taverns, etc.

SEC. 50. The common council shall have power to license and regulate the keepers of hotels, taverns, and other public houses, grocers, and keepers of ordinaries, saloons, and victualing, or other houses or places for furnishing meals, food, or drink; also solicitors of passengers or for baggage for the benefit of any hotel, tavern, public house, boat, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of compensation.

Auctioneers,
peddlers, etc.

SEC. 51. The said council may also license and regulate auctioneers, hawkers, peddlers, and pawnbrokers; and regulate auctions, hawking, peddling, and pawnbrokerage; also the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods, and other property whatsoever, by hand, hand-cart, show-case, show-stand, or otherwise in the public streets; also butchers, and the keepers of shops, stalls, booths, or stands at markets, or any other place in said city, for the sale of any kind of meat, fish, poultry, vegetables, food, or provisions. It shall also have power to license and regulate or suppress hucksters, and to prohibit and prevent, or license and regulate, the public exhibition of itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind.

Inspectors of
weights, meas-
ures, etc.

SEC. 52. The common council shall have power to appoint one or more inspectors, measurers, weighers, and gaugers of articles to be measured, inspected, weighed, and gauged; and to prescribe and regulate their powers and duties, fees, and compensation; to direct and regulate the weight and quantity of bread, the size of the loaf, and the inspecting thereof; the inspecting and measuring of wood, lumber, shingles, timber, posts, stones, heading, and all building materials; the inspecting, measuring, and weighing of coke, and all kinds of coal; the inspecting and weighing of hay; the inspecting of vegetables, fresh, dried, smoked, salted, pickled, and other meat, or fish, poultry, butter, lard, and other food or provisions to be sold at wholesale or retail; the inspecting and weighing of flour, meal, pork, beef, and all other food or provisions, and salt, to be sold in half barrels, barrels, casks, hogsheads, boxes,

Bread.

Lumber, wood,
etc.

Hay.

Provisions.

or other packages ; and the inspecting and gauging of oils, wines, Oils, wines, etc. whisky, malt and spirituous liquors to be sold at wholesale or retail, or in kegs, half barrels, barrels, casks, hogsheads, or other vessels : *Provided*, That nothing herein contained shall be construed to authorize the inspecting, measuring, weighing, or gauging of any article herein enumerated, which is to be shipped beyond the limits of this State, except at the request of the owner thereof, or of the agent having charge of the same : *And provided further*, Further proviso. That the common council shall not have power to require the measuring of wood, except at the request of the seller or purchaser thereof, or the agent of [or] either of them. The said council is also authorized to regulate the weights and measures to be used in said city, and compel every merchant, retailer, trader, and dealer in merchandise, groceries, provisions, or property of any description which is sold by measure or weight, to use weights and measures to be sealed by the city sealer, and to be subject to his inspection and alteration, so as to be made conformable to the standard of weights and measures established by the general laws of the State : *Provided*, That this section shall not be construed as interfering with or in any way affecting the powers and duties of any city sealer appointed under or by virtue of any other act relating to said city.

SEC. 53. The common council may provide for the protection Paupers.

and care of paupers, and may prohibit and prevent all persons from bringing, in vessels or in any other mode, to said city, from any other port or place, any pauper or other person likely to become a charge upon said city, and to punish therefor. It may also provide for the burial of strangers and poor deceased persons, and regulate the burial of the dead ; and the registration of births and deaths, and to order and compel the ordering and keeping and returning of bills of mortality by physicians, sextons, and others. In case of the death of any person in the city, every physician or person acting as such, who had charge of, or who was in attendance upon such person at the time of death, shall forthwith file in the office of the board of health, a certificate stating to the best of his knowledge, information, and belief, the name, age, sex, nativity, occupation or profession, date and manner of death, and name of disease ; and in order to carry out this provision it is authorized to enforce the same by its ordinances, and to punish any violation thereof.

Burial of dead,
registration of
births and
deaths, etc.

SEC. 54. The common council shall have power to provide for Imprisonment of offenders under this act. the imprisonment and confinement in houses of correction, at hard labor or otherwise, of all persons liable to be imprisoned or confined under this act or any act relating to said city, or any ordinance of the common council. All expenses attending the confinement of any person sentenced to be committed to any work-house or house of correction of said city, for any offense against the general laws of this State, now or hereafter punishable by imprisonment in the State prison, shall be paid by the State treasurer quarter-yearly, on the certificate of the city controller that such expenses have been incurred. All expenses attending the confinement of any person sentenced to be committed to any work-house or house of correction of said city, for any offense against the general laws of the

Expense of per-
sons confined to
house of corre-
ction, etc., to be
paid by State
treasurer.

Expenses to be
paid by county
treasurer.

Punishment of offenders under this act. State, now or hereafter not punishable by imprisonment in the State prison, shall be paid quarter-yearly by the treasurer of the county in which the offender was tried and convicted, upon the certificate of the city controller that such expenses have been incurred. Said council shall also have power, except as herein otherwise specified, to provide for the punishment of all persons offending against this act, or any law relating to said city, or any ordinance of the common council enacted under this or any other act of the legislature, by imposing fines, penalties, forfeitures, and costs, and by imprisonment in the house of correction of said city; any person convicted of any offense may also be required to give bail for good behavior. If only a fine, penalty, forfeiture, or costs be imposed, the offender may be sentenced to imprisonment until the payment thereof, for a term not exceeding six months. All punishments for offenses against the ordinances of the common council shall be prescribed in the ordinance creating or specifying the offense to be punished; and no penalty or forfeiture shall exceed one thousand dollars; no fine shall exceed five hundred dollars; and no imprisonment shall exceed the period of two years.

Licenses.

SEC. 55. The council may authorize the mayor to grant, issue, and revoke licenses in all cases where licenses may be granted and issued under this act and the ordinances of the common council, to direct the manner of issuing and registering the same, to prescribe the sum of money to be paid therefor into the treasury of the corporation. No license shall be granted for more than one year, and the person receiving the same shall, before the issuing thereof, execute a bond to the corporation in such sum as the common council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the common council, and otherwise conditioned as the common council may prescribe. The mayor shall inquire into the sufficiency of the sureties of [in] such bond, and the same when approved by him shall be filed in the office of the clerk of the city.

Perpetuation of evidences of title.

SEC. 56. The common council may adopt, by ordinance or otherwise, such measures as may be deemed expedient to perpetuate the evidence of the titles to real estate in said city, by the preservation of maps, plats, records, and papers relating thereto, and by duly certified copies of such maps, plats, records, and papers, and which certified and filed as such ordinances shall prescribe, shall be received in evidence in all courts.

Construction, repair, etc., of sidewalks by individuals.

SEC. 57. The common council shall have power to provide and ordain by ordinance that, whenever any sidewalk requires to be built or repaired, the said council may direct the board of public works to notify the owner, agent, or occupant of any lot or parcel of land in front of or adjacent to which such walk is required to be built or repaired, to build or repair the same, and that if such agent, owner, or occupant shall neglect, for a time to be specified in the ordinance, to do such building or repairing, it shall be the duty of the said board to at once do or cause the same to be done, and in such case the expense thereof shall be assessed upon such lot or

In case of neglect of owner, etc.

parcel of land, and shall be a lien thereon until collected and paid in a manner to be prescribed in such ordinance; and the owner, so neglecting to build and [or] repair shall be liable to the city for all damages which shall be recovered against the city for any accident or injuries occurring by reason of such neglect, and also to prosecution in the recorder's court, and, on conviction, to be fined not to exceed five hundred dollars and the penalties in the city charter elsewhere provided. The common council shall also have power, by ordinance, to designate and determine the materials of which all sidewalks in the city shall be constructed, and to regulate their width and manner of construction. To effect the purpose of this section and secure the prompt construction or repair of sidewalks when ordered, and in anticipation of the collection of the expense thereof, to be assessed and collected as aforesaid, the common council shall have power to cause such expense to be paid in any case by warrant of the controller upon the contingent fund. All assessments in such cases paid after the expense of such construction or repair has been met, as above provided, by the city, shall be paid and credited to the contingent fund of the city.

SEC. 58. The common council may also provide and ordain by ordinance, that whenever it shall appear that any taxes or assessments have been illegally assessed or collected, the common council may, by a vote of two-thirds of all members elected, direct and cause the amount so collected to be refunded out of the contingent fund, or in case it has not been collected, to vacate the assessment, and fix upon an amount, to be received in full of such tax or assessment, and no such action on the part of the council, under such ordinance, shall in any way affect or invalidate any other tax or assessment, assessed, levied, or collected in said city.

SEC. 59. Said council shall also have power to fix and regulate the fees of jurors and witnesses, in any proceeding under any act relating to said city, or under any ordinance of the said council to assess, levy, and collect taxes for the purposes of the corporation, upon all property made taxable by law for State purposes, which taxes shall be liens upon the property taxed till paid; to make regulations for assessing, levying, and collecting the same, and to sell the property taxed to pay the taxes thereon; to appropriate money; provide for the payment of the debt and expenses of the said city, and to make regulations concerning the same; to provide for calling meetings of the inhabitants of said city by public notice thereof, fixing the time and place for meeting; to enact all ordinances necessary to carry into effect the powers conferred by law upon said council; the said council may also provide for printing and publishing all matter required to be printed and published under this act, or by order of the common council, in such manner as said council may prescribe.

SEC. 60. The said common council shall also have power to provide by ordinance that whenever any lots or premises have been or hereafter shall be legally liable to be assessed for the costs and expenses of any paving, or other public work or improvement, and if it should appear that the amount originally assessed upon such

Owner liable for damages.

Material for sidewalks.

Payment for, etc.

Illegal taxes and assessments.

Fees of jurors, witnesses, etc.

Taxes.

Payment of debts.

Meetings of inhabitants.

Ordinances.

Printing.

Re-assessment, for deficiency in special assessment.

lots or premises, was not sufficient to pay in full the costs and expenses of such improvement, that a new re-assessment for the amount of such deficiency may be made upon such lots or premises; and also if any such special assessment for the costs and expenses of the making of any such improvement shall be declared by any court of competent jurisdiction to be illegal, to provide for a new or re-assessment upon such lots or premises for the amount of such costs and expenses; and the common council may, by ordinance, limit the time within which such new or re-assessment shall be made, and prescribe all necessary rules and regulations in reference to the making and collecting of the same.

**Re-assessment
when special
assessment
illegal.**

**Setting aside
special assess-
ment, and
making new
one.**

**How new assess-
ment made.**

**Proceedings
when tax has
been paid.**

**To what assess-
ments provis-
ions to apply.**

**Construction of
sewers through
private property.**

Proviso.

Further proviso.

SEC. 61. Whenever any special assessment for the improvement of a street, or for any public work shall, in the opinion of the common council, be invalid, said council may vacate and set the same aside. And when any such special assessment shall be so vacated, or shall be held invalid by the judgment or decree of any court of competent jurisdiction, said council may cause a new special assessment to be made, for the purpose for which the original assessment was made. Such new assessment shall be made in the manner provided for making original assessments of like nature, in force at the time when such assessment should be made. And whenever the tax, or any part thereof, assessed upon any lot or parcel of real estate by the original assessment, set aside or held invalid as aforesaid, has been paid and shall not have been refunded, it shall be the duty of the receiver of taxes to apply said payment upon the re-assessment on said lot or parcel, and to make a minute thereof upon the new assessment roll, and such re-assessment shall, to the extent of such payment, be deemed paid and satisfied. All the provisions of the charter, making special assessments a lien upon [the] lots and parcels of real estate embraced therein, and also those relating to the collection of special assessments, shall apply to re-assessments made under this section. The provisions of this section shall apply to special assessments heretofore made, as well as to those which shall hereafter be made.

SEC. 62. Whenever in the opinion of the common council it shall be beneficial to do so, they may direct any public or lateral sewers or drains mentioned in this chapter to be constructed in and through private property and lots, in all cases where the council deem it expedient to lay public or lateral sewers or drains through private property, and to take private property or the use thereof for such purposes, proceedings shall be had, as near as may be, similar in all respects to those now provided for in the case of taking private property for the opening, widening, or extending streets and alleys, and damages and benefits shall be assessed in the same manner: *Provided*, First, benefits may be assessed upon all lots in each block in which the drain or sewer is laid, which are benefited by the improvement, and further, that all damages actually awarded to parties shall be paid out of the sewer fund, and all assessments for benefits when collected shall be paid into the credit of said fund: *Provided further*, That when a public or lateral sewer is laid through private property, the same shall be

done with the least practical injury or inconvenience to owners or occupants, and using like care, the board of public works, their agents and employés shall at all times have free access to the premises, for the purpose of making necessary repairs to and connections with such public or lateral sewers or drains.

SEC. 63. The said common council shall also have power, when it shall appear that any tax or assessment is unjust, or is based upon any property not owned by the person to whom it is assessed, by a two-thirds vote of all the members elect, to repay the same out of the contingent fund, if collected, or if not collected, to vacate the assessment in whole or in part, in the manner and with like effect as is provided for in cases of illegal taxes and assessments in this chapter.

SEC. 64. The common council shall also have power to unite with the Canadian authorities or any Canadian corporation in building and maintaining a public bridge or tunnel across the Detroit river: *Provided*, That the city shall have an ownership in said bridge or tunnel in proportion to the amount of money it may invest therein, or shall build and own that portion of said bridge or tunnel situated within the boundaries of this State, and shall have an equal voice with said Canadian authorities or corporation in the control and management of such bridge or tunnel and in fixing the tolls to be charged and collected for the use of said bridge or tunnel by the public. The said bridge or tunnel shall be a common and public highway, but street car and railroad companies may be allowed to run their cars over said bridge or through said tunnel, upon such terms and conditions as the common council and said Canadian authorities or corporation may from time to time prescribe.

SEC. 65. Immediately after the organization of the board of aldermen shall have been completed, at its session on the second Tuesday in January in each year, and before it shall proceed to any other business, said board shall notify the board of councilmen of such organization, and thereupon the board of councilmen and board of aldermen shall meet in joint convention to receive the annual message of the mayor.

SEC. 66. On assembling in joint convention as provided in preceding sections, the president of the board of councilmen, or in his absence the president of the board of aldermen, in case of the absence of both then the president *pro tempore* of the board of councilmen, and in his absence the president *pro tempore* of the board of aldermen shall preside over the joint convention and over all other joint meetings of both bodies, and the common council may make rules of order for the government of the joint convention of both boards, or in case such rules are not adopted the rules of the board of councilmen shall be deemed the rules of the common council in joint convention so far as applicable.

*Return of
unjust taxes.*

*Construction of
bridge, etc.,
across Detroit
river.*

*Proviso in ref-
erence to owner-
ship.*

*To be public
highway.*

*Annual message
of mayor.*

*Who to preside
at joint conven-
tion, etc.*

CHAPTER VIII.

ESTIMATES—DUTIES OF CONTROLLER AND POWERS OF COMMON COUNCIL RELATIVE THERETO.

Estimates of controller to be reported to aldermen.

SECTION 1. Before any taxes shall be levied for the purposes of any of the funds into which the revenues and moneys of the city may be divided, the controller shall present to the board of aldermen in writing, his estimate of the amount of taxes which, in his opinion, it may be necessary to raise for the ensuing year for the purposes of each of said funds, and also an estimate of the entire proposed expenditures for said year, whether the same is to be raised by tax, by loan, or by special assessment, which estimates shall be published in the official paper of the city. The controller shall at the same time give to the board of aldermen any information in his power or which they may request concerning the finances of said city. The board of aldermen may revise or alter said estimates, but not so as to exceed the aggregate taxes authorized by law to be levied, and when such estimates shall be finally adopted by them the same shall be transmitted by the clerk of said board to the board of councilmen. The board of aldermen shall so alter, revise, and adopt said estimates on or before the fifth day of April in each year.

Consideration by board of councilmen of estimates as adopted, etc.

SEC. 2. Upon receiving from the board of aldermen the estimates as adopted by that body it shall be the duty of the board of councilmen to carefully consider the same. The said board of councilmen, with the concurrence of the board of aldermen, may increase or decrease the amount to be raised; and no greater amount shall in any year be levied, collected, or expended for any fund than may be agreed to by both of said boards, and said estimates shall be finally considered and adopted on or before the fifteenth day of April in each year.

Tax for, to be levied, etc.

SEC. 3. After the estimates for the ensuing fiscal year shall have been finally adopted as above provided, it shall be the duty of the common council to cause to be levied and collected by general tax the amount thereof as hereinafter provided.

CHAPTER IX.

ISSUE OF BONDS FOR PUBLIC SEWERS.

Issuing of public sewer bonds of the city of Detroit.

SECTION 1. The common council of the city of Detroit shall have power to provide money for the purpose of constructing sewers at such localities as the board of public works may deem proper, and recommend upon the faith and credit of said city, and upon the best terms that can be made, in amount not exceeding one hundred thousand dollars, and to issue the bonds of said city to an amount not exceeding that sum, pledging its faith and credit for the payment of the principal and interest; but said bonds shall not be negotiated at less than their par value; said bonds shall be denominated "public sewer bonds of the city of Detroit;" shall be regularly dated and numbered in the order of their issue; shall be for sums of not less than five hundred dollars each; shall bear

interest not exceeding seven per cent per annum ; shall be payable in not less than five or exceeding fifty years from date ; shall be issued under the seal of the city, signed by the mayor, and countersigned by the controller. The controller shall keep an accurate record of said bonds, showing the class of indebtedness to which they belong, the number, date, and amount of each bond ; its rate of interest ; when and where the same is payable, and the person to whom it was issued. The proceeds of said bonds shall be paid to the city treasurer, and be credited to the public sewer fund, and applied exclusively to the purposes for which said sewer fund is constituted as above.

SEC. 2. No bonds shall be issued as aforesaid for the purpose of constructing said sewers unless approved by a majority of the common council at a regular meeting held for the purpose of considering the estimates for general city taxes. There shall be presented to said meeting an estimate of the board of public works of the necessary cost for [of] constructing said sewers recommended to be constructed as aforesaid. If a majority of the common council consent to the estimate presented, or any part thereof, the board of public works shall then be authorized to contract for the construction of said sewers, at a cost and expense not exceeding in amount the estimate or part thereof thus consented to ; and the common council shall have power to borrow money therefor and issue bonds as above provided.

Controller to
keep record of
bonds, etc.

Proceeds of

No bonds to be
issued unless
approved by
common council,
etc.

CHAPTER X.

ASSESSMENT OF TAXES AND THEIR COLLECTION.

SECTION 1. There shall be three assessors appointed by the board of councilmen upon the recommendation of the mayor, who shall be known as the board of assessors, and who shall hold their office for the term of three years, as provided in chapter four, and shall devote their whole time to the service of the city, in connection with the duties of their office, and shall receive such compensation as the common council may determine : *Provided*, That the member of the board whose term of office shall soonest expire shall be its president for the last fiscal year of his term of office.

Board of assess-
ors, term of
office, etc.

Provided.

SEC. 2. The board of assessors shall, before the first day of April in each fiscal year, assess at its true cash value all the real and personal property subject to taxation by the laws of this State, within the limits of each ward respectively of said city, and said board shall, within the same period, make out and complete the assessment rolls, one for each ward, in books to be provided for that purpose by the common council, and to be delivered to said board on or before the first day of September in each year. The action of said board shall, at all times, be subject to the correction and revision of the common council of the city of Detroit, as provided for in the charter of the city.

Assessment of
property, assess-
ment rolls, etc.

SEC. 3. The president of the board of assessors, together with the two aldermen of each ward of the city of Detroit, shall be and are hereby vested with the powers and duties of supervisors, as pro-

Certain officers
vested with pow-
ers of supervis-
ors.

vided by the laws of this State, not inconsistent with the provisions of this chapter, and said president and aldermen shall attend the annual session of the board of supervisors of the county of Wayne, in October and all other sessions thereof, and shall represent the interests of this corporation in said board.

Assessment when lot lies partly in two or more wards.

SEC. 4. If any lot or lots shall lie partly in two or more wards, the same shall be assessed in the ward where the greater portion of such lot or lots is situated, and the said board shall describe all lands, tenements, and subdivisions thereof, subject to assessment or tax in said city, by referring to the number and section of the lot, and the owner or occupant thereof, and if the number and section of any lot, or the owner thereof can not be ascertained, then by such other sufficient description as such board may deem proper; and if, by mistake or otherwise, any person may be improperly designated as the owner of any lot, tenement, or premises, such assessment or tax shall not, for that cause be vitiated, but the same shall be a lien on such lot, tenement or premises, and collected as in other cases.

Mistake in owner's name not to vitiate tax.

Board may demand list of taxable property for assessment.

Assessment when list not furnished, etc.

Notice of completion of assessment roll.

Board may correct assessment, upon complaint, etc.

Board to sign roll and return same to board of aldermen.

SEC. 5. The said board shall have power and authority to demand of every person owning or having charge, as agent or otherwise, of any property taxable in any ward, a list of such property, with such description as will enable them to assess the same, which demand may be made in writing, and by delivering the same to such person, or by leaving the same at his place of residence, with some person of proper years and discretion, and if the person of whom such demand may be made, shall not, within ten days thereafter, deliver to such board a list of the property in said ward belonging to him or her, or under his or her charge, with a correct description of the same, or if he shall omit any such property in the list delivered, said board shall have power, and it shall be their duty, to assess such property, upon such knowledge or information as may be satisfactory to them, at its cash value, and according to their best judgment and discretion.

SEC. 6. It shall be the duty of the board of assessors, to cause notice to the tax-payers of said city to be published in the daily newspaper, published by the printer for the city, and in one other daily newspaper published in said city, for two weeks prior to the first day of April in each year, that the assessment rolls have been completed. Any person considering himself aggrieved by reason of any assessment, may complain thereof, either verbally or in writing, before said board of assessors, and on sufficient cause being shown by the affidavit of such person, by oral proof, or by other evidence to the satisfaction of such board, it shall review the assessment complained of, and may alter or correct the same as to the person charged thereby, the property described therein, and the estimated value thereof. The concurrence of a majority of the board shall be sufficient to decide any question of altering or correcting any assessment complained of. The board of assessors or a majority of them, having completed the review and correction of said assessment rolls, shall sign and on or before the third Tuesday of April in each year, return the same to the board of aldermen of the city.

SEC. 7. The board of aldermen, after receiving said assessment rolls, shall, at its next regular session, in joint session with the board of councilmen, to be called together by the city clerk, by a written notice to each member, proceed to consider the same, and any person considering himself aggrieved by the assessment of his property, and the decision of such board of assessors thereon, may appeal to the board of aldermen and board of councilmen at the said joint session. Every appeal shall be in writing, and shall state especially the grounds of the appeal, and the matter complained of, and no other matter shall be considered by the said boards. While acting upon said assessment rolls, or appeals, any member of said board of assessors may, and on request of the said boards by resolution shall, meet with the said boards and make such explanations as he may deem requisite in any case.

SEC. 8. The said boards in joint session shall hear and determine all appeals in a summary manner, and correct any errors which they may discover in the assessment rolls, and place thereon the names of any persons, and the description of any property not already assessed, and assess the same, and may increase or diminish any assessment as they may see fit: *Provided*, That they shall not increase any assessment of property without giving a reasonable opportunity to the persons owning or having charge of the same, if known, to appear and object thereto. And may continue the consideration of said assessment rolls, and the hearing of said appeals, from session to session for a period not exceeding sixteen days after the time when they are to be first considered as above provided, and on or before the expiration of said period of sixteen days, they shall be fully and finally confirmed by the said boards, and shall remain as the basis of all taxes to be levied and collected in the city of Detroit, according to property valuation, until another assessment shall have been made and confirmed as above provided.

SEC. 9. After the assessment rolls [shall] have been fully and finally confirmed, as provided in the preceding section, it shall be the duty of the board of assessors to cause the amount of all taxes in dollars and cents authorized to be assessed and collected in each year, to be ratably assessed to each person named, or lots described upon and according to the aggregate valuation such person or lots shall have been assessed in said assessment rolls, or books prepared for that purpose, to be known as the tax rolls for each ward, in separate columns, showing the amount of highway, police, school, and city taxes assessed to each person or lots, in each year; and when said tax rolls shall have been completed, the said board shall deliver the same to the controller, who shall cause the same to be delivered to the receiver of taxes, and take his receipt therefor, and charge him therewith. Upon the receipt of the tax rolls by the receiver of taxes, as hereinbefore provided, the taxes therein stated shall become a debt due and payable to the city, and the receiver of taxes shall forthwith upon the reception of said tax rolls give six days' notice by publication in the official daily paper published in said city, and by posting the same in at least six public places

*Appeal from
board of assess-
ors.*

*Appeal to be in
writing, etc.*

*Hearing and
determining
appeals.*

Proviso.

*Confirmation of
assessment rolls.*

*Assessment of
taxes.*

*Rolls to be deliv-
ered to con-
troller, etc.*

*When taxes due
and payable.*

*Notice to be
given by receiver
of taxes.*

When no addition to be made to taxes. in each ward, which notice shall be a sufficient demand for the payment of all taxes on said rolls, that the general tax rolls have been deposited with him, and that payment of the taxes therein specified may be made to him at any time before the thirtieth day of December thereafter, that no addition will be made to taxes paid before the first day of August, but that an addition of one per cent of every unpaid tax will be made thereto on that day, and a like addition of one per cent every thirtieth day thereafter until such additions [addition] shall amount to six per cent of such tax: *Provided, however,* That when a person shall, on or before the twenty-fifth day of July, hand to the receiver of taxes a list of the property on which he wishes to pay the taxes, and shall be unable to pay said taxes before the first day of August, on account of a pressure of business in the receiver's office, then he shall not be charged any per centage if he pays such taxes by the tenth day of August. Upon the receipt of any tax the receiver shall mark the same paid upon the proper roll, and give a receipt therefor. On the first day of January next following the time when any tax shall become due any payable, the receiver shall add to every such tax six percent of the amount thereof as stated in the roll, and the amount of the tax, and of such additions as are hereinbefore specified, shall thenceforth be the unpaid tax, and shall bear interest from that day at the rate of ten per cent per annum until paid, except as is herein otherwise provided. On or before the fifteenth day of January the receiver shall add to the tax rolls of the unpaid taxes of each ward an additional column, which shall show the augmented amount of every such tax. Immediately after completing such roll, he shall cause a notice to be published in five successive numbers of at least two daily newspapers published in said city, stating that said roll of unpaid taxes has been made, and that it will remain in his office, where such taxes may be paid until the first day of February following, after which the property against which such taxes are assessed, shall be advertised and sold as hereinafter provided. It shall be the duty of the said board to make copies of said rolls as finally confirmed by the common council, upon which they shall ratably assess the county and State taxes, as provided by the general laws of the State.

Collection of taxes by levy and sale. SEC. 10. On and after the first day of August in each year, and at any time until the taxes mentioned in this section are paid, it shall be the duty of the receiver of taxes and the clerks or subordinates in his office, designated by him for that purpose, to collect all unpaid taxes which are assessed against any property or value other than real estate, and if necessary the said receiver and said clerks and subordinates, under the direction and in the name of the receiver, shall have power to levy upon and sell at public auction the personal property of any person refusing or neglecting to pay such tax. Three days' notice of any such sale shall be given by the receiver by publication in the official and one other daily newspaper of said city, and any surplus remaining after the payment of the tax and percentage, and the expense of drayage and storage, shall be paid over to the owner of such property or other person entitled

Notice of sale.

to receive the same, and the said receiver shall have power in the name of the city of Detroit to prosecute any person refusing or neglecting to pay such taxes, by a suit in the circuit court for the county of Wayne, and he shall have, use, and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of any such tax, and the said tax roll shall be *prima facie* evidence of the indebtedness of [by] such person and the regularity of the proceedings by which the tax was assessed or levied.

Tax roll as evidence.

SEC. 11. The owners or occupants or parties in interest to any real estate assessed under this chapter shall be liable to pay every such tax or assessment, and if the same shall not be paid by the first day of February following, or any part thereof, it shall be lawful for the receiver of taxes to cause a notice to be published in the official daily newspaper for the city, once a week for four successive weeks, and posted in three or more public places in each ward, requiring the owners or occupants of, or parties interested in such lands, tenements, hereditaments, or premises to pay such assessment or tax, and that if default be made in making such payment such real estate will be sold at public auction at a day and place to be specified in said notice for the lowest term of years at which any person shall offer to take the same, in consideration of advancing and paying such assessment or tax, with the additions provided in this act and the cost and expense of advertising. The common council, in its discretion, may cause said notice or any part thereof to be published in a German newspaper in said city: *Provided*, *Proviso*. That all applications [publications] in languages other than English shall not exceed the sum of twenty-five hundred dollars per annum, now authorized by the charter of the city of Detroit.

Notice of sale of real estate for term of years, for non-payment of tax, etc.

SEC. 12. If the owner or occupant of, or parties in interest in such real estate, do not pay such assessment or tax, with costs, additions, and charges, within the period above prescribed for the publication of said notice, then the said receiver shall have the power, without any further notice, to cause such real estate to be sold at public auction for the lowest term of years at which any person shall offer to take the same, in consideration of advancing such assessment or tax, with the costs, additions, and charges, and to direct the execution of a proper certificate of such sale to the purchaser thereof, and if such real estate shall not be redeemed within one year after such sale thereof, as hereinafter provided, the controller shall, in the name of the city of Detroit, execute and deliver to such purchaser or his assignee a proper deed for the conveyance of such real estate for the term for which the same was sold, which deed shall be *prima facie* evidence of the regularity of all the proceedings under which the sale was made and said deed was executed up to the date of such deed. Any person who, under such deed, may enter into such real estate and erect or place any building or other property thereon, shall have the right at the expiration of said term, or in case he shall be ousted before the expiration of such term by any person claiming adversely to said deed then, within three months after trial, judgment of ouster or rejection, to remove said buildings or property from said real estate. And in all

Conveyance for term of years.

Buildings, etc., erected may be removed at expiration of term.

**Deeds when pur-
chaser or assign
ee die before exe-
cution.** sales of lands for taxes aforesaid, if the purchaser, or his assigns, shall die before a deed or other conveyance shall be executed on such sale, the deed may be executed by the controller to and in the name of the purchaser or assigns, who, if living, would be entitled to a deed or conveyance, which deed or conveyance shall vest the title in the heirs or devisees of such deceased person, in the same manner and liable to like claims of creditors and other persons as if the same had been executed to such deceased person immediately previous to his death, or the executor or administrator may assign the certificate of purchase, and the deed or conveyance may issue to the assignee thereof, and in like cases which have heretofore occurred, the same rule shall apply, and all deeds and conveyances heretofore issued in the name of any deceased person, who, if living at the time of the execution thereof, would have been entitled thereto, shall have like effect as above provided.

**Redemption of
property sold,
etc.**

SEC. 13. When any lands, tenements, and hereditaments shall be sold according to the foregoing provisions for the payment of any assessment or tax, as aforesaid, if the owners or occupants of or parties in interest in the same shall within one year after such sale deposit with the treasurer of said city, for the use of the purchaser, the full amount of the assessment or tax for which such real estate was sold, and such interest as the common council shall prescribe, as hereinafter authorized, together with the amount of the costs and charges, then the term for which such real estate was sold shall cease and be determined at the time of making such deposit, subject, however, to the right of the purchaser, his heirs, executors, administrators, or assigns, to remove any building or building materials as hereinbefore provided.

**Persons in pos-
session to pay
tax.**

SEC. 14. Any person in the possession of any real estate, at the time any tax is to be collected, shall be liable to pay the tax imposed thereon, and in case any other person, by agreement or otherwise, ought to pay such tax, or any part thereof, the person in possession, who shall pay the same, may recover the amount from the person who ought to have paid the same, in an action of assumpsit, as for moneys paid out and expended for his benefit, or may deduct the amount from any rent due or to become due to the person who should have paid said tax.

**Interest on
redemption of
real estate sold,
etc.**

SEC. 15. The common council shall have power to charge interest, at a rate not exceeding ten per cent per annum, from the time of sale upon the amount to be paid upon the redemption of any such real estate and premises so sold.

**Removal of
property by pur-
chaser of term.**

SEC. 16. Any person who shall at such sale purchase, for a term of years, any lots, grounds, or wharves, shall have the right to remove any building or building materials erected or deposited by or belonging to him, and situated on said lots, grounds, or wharves, at any time within three months after the expiration of the term or time for which the same were sold.

**Execution of
conveyances,
etc.**

SEC. 17. The controller, or in his absence, the mayor, may execute in the name of the corporation, and under its corporate seal, proper conveyances or certificates of sale of all lands, tenements or hereditaments sold for assessments or taxes, which, when

duly acknowledged and attested by the city clerk, may be recorded as other conveyances of land under the laws of this State.

SEC. 18. It shall be the duty of the controller to bid in for the corporation, at any sale of real estate for assessments or taxes, every lot of land or premises for which no person shall offer to bid, and if any purchaser shall refuse or neglect to pay the sum or sums bid by him, within the time and under the regulations prescribed by the common council, such bid shall ente to the use and benefit of the corporation, if the common council so elect. Upon all such bids by the controller, and all bids as aforesaid, to the use and benefit of the corporation, conveyance and certificates of sale may [be] executed by the controller to the corporation, acknowledged and attested by the city clerk, and recorded in the same manner as provided in other cases of sale for assessment or taxes. But in all cases of sales for special assessments, the property so bid in for the corporation, may, at the option of the common council, be held in trust for the person or contractor in whose behalf such assessment shall have been made, or his assignee, or upon payment to such person or contractor of the amount for which such property shall have been bid in, the city may, as in case of the general tax, become the owner of the tax title or lease thus obtained, and may dispose of the same as if obtained under a like sale for any general tax.

SEC. 19. All assessment rolls and proceedings under this chapter, and all conveyances, certificates of sale, and leases of any lands, tenements, or hereditaments, executed by the corporation, or any of its officers, by virtue of this act, shall be taken and received in all courts as *prima facie* evidence of the regularity of the proceedings by which any tax heretofore mentioned was assessed or levied.

SEC. 20. Assessment rolls to defray the expense of [constructing] lateral sewers, side and crosswalks, paving, grading, macadamizing, graveling, or otherwise improving streets, lanes, or alleys, or for defraying the expense of any local improvements properly payable from the proceeds of special assessment, shall be placed in the hands of the receiver of taxes for payment, as may be provided by ordinance or resolution of the common council, for the space of thirty days, after which warrants for the collection of the same may be issued, and such proceedings for the collection thereof be had as are or shall be prescribed by law, or by any ordinance or resolution of the common council, and sales of any real or personal estate for any unpaid assessments shall be made in like manner, and with like effect, as in case of sales for the non-payment of the general tax.

SEC. 21. All taxes upon personal property may be assessed in any ward of said city, whether the person assessed be a resident of such ward or not: *Provided only*, The property so assessed shall be in said ward, and the officer to whom any warrant for the collection of the same, or any tax or assessment on real estate is delivered, may execute [execute] the same by a levy and sale of any personal property, in any ward of said city, belonging to the person or persons chargeable with such tax or assessment.

CHAPTER XI.

TAXATION AND FINANCE.

*Division of rev.
enues, etc., into
funds.* SECTION 1. The revenues and moneys of the corporation shall be divided into the following funds, viz.:

First, General fund, which shall be appropriated to defray the expenses of the city of Detroit, for the payment of which out of some other fund, no provision is herein made;

Second, Contingent fund, to defray the contingent expenses of said city;

Third, Interest fund, to pay the interest on the funded debt of the city;

Fourth, Sinking fund, to pay the funded debt of said city;

Fifth, Detroit fire commission fund, to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines, and other fire apparatus, and all other expenses necessary to maintain the fire department of said city;

Sixth, Poor fund, to defray the expenses of providing for and taking care of the poor of said city;

Seventh, General road fund, to defray the expenses of repairing paved streets and alleys, and of grading, paving, and improving the highways, streets, and alleys of said city, in front of or adjacent to the property of the corporation, and to defray the expenses of constructing and repairing cross-walks in the several wards of the city;

Eighth, District road fund for each ward of the city, to defray the expenses of working, repairing, cleaning, and improving the highways, streets, and alleys, in the ward for which such district road fund is constituted and raised;

Ninth, Sewer fund to defray the expenses of constructing sewers in the [said] city;

Tenth, Street opening fund, to defray the expenses of opening, widening, vacating, altering, straightening, extending, or abolishing any highways, streets, alleys, or avenues in said city;

Eleventh, Street paving fund, to defray the expenses of grading, paving, and graveling, macadamizing, or planking highways, streets, alleys, sidewalks, and crosswalks in front of or adjacent to private property, and of putting curbstones and culverts therein;

Twelfth, Public building fund, for purchasing any real estate for the erection thereon of any public buildings, and to defray the expenses of erecting, repairing, and preserving such public buildings as the common council is authorized to erect and maintain, and are not herein otherwise provided for, which fund shall, from time to time, be divided into special building funds, to defray the expenses of erecting, repairing, and preserving the particular building or buildings for which such special building fund may be constituted or raised;

Thirteenth, Recorder's court fund, to maintain the recorder's court;

Fourteenth, Such other funds as the common council may constitute for special purposes, not inconsistent with, nor to be taken from any of the funds above constituted or raised.

SEC. 2. The common council shall have power annually to levy, ^{Tax for general fund, etc.} assess, and collect taxes not exceeding one per cent on the assessed value of all real and personal estate in said city, made taxable by the laws of this State, in order to defray the expenses, and for the purpose for which the general fund, contingent fund, Detroit fire commission fund, poor fund, general road fund, and recorder's court fund are constituted as above.

SEC. 3. The common council shall also have power annually to ^{Tax for district road fund.} levy, assess, and collect taxes on the assessed value of all real and personal estate in each ward of said city, made taxable by the laws of this State, in order to defray the expenses, and for the purposes for which the district road fund is constituted as above: *Provided*, *Proviso*. That such taxes shall not exceed in amount the rates of township road or highway taxes as now or hereafter established by the laws of this State.

SEC. 4. The common council shall also have power annually to ^{Tax for sewer fund, etc.} levy, assess, and collect taxes, not exceeding eighty-five thousand dollars on the assessed value of all the real and personal estate in said city, made taxable by the laws of this State, in order to defray the expenses of constructing sewers, and for the purpose for which the sewer fund is constituted as above.

SEC. 5. The common council may annually levy, assess, and collect on the assessed value of all real and personal estate of said city, ^{Tax for interest fund.} made taxable by the laws of this State, taxes for the purposes of the interest fund, not exceeding in amount a sufficient sum to pay the interest accrued, or to accrue, on the funded debt of said city for the year for which such taxes are levied: *Provided*, That the *Proviso*. common council may further provide in such annual tax levy for a sum sufficient to cover any deficiency which may have occurred, or is likely to occur, to this fund by reason of the non-payment of taxes, or from any other cause whatever; and also taxes not exceeding ten thousand dollars in any year for the purposes of the sinking fund.

SEC. 6. The proceeds of each special assessment, levied for the grading or paving of any street or alley, shall become part of the ^{Special assessments to become part of street paving fund, etc.} street paving fund, and be credited therein to the account of the specific improvement for which the assessment was made: *Provided*, That the common council shall not in any one year enter into the contracts for the grading and paving of streets, alleys, and public places, the cost of which will exceed, in the aggregate, one hundred thousand dollars, except upon the petition of the holders of the larger portion of the real estate directly abutting upon the portions of the street or alley proposed to be improved.

SEC. 7. The common council shall also have power to provide money for the sewer fund, and the public building fund, by borrowing upon the faith and credit of said city, and upon the best terms, that can be made, such sums of money as shall be deemed necessary and expedient, and to issue the bonds of the city therefor; but said bonds shall not be negotiated at less than their par value, or bear interest to exceed seven per centum. The common council shall also have power to borrow by issuing bonds to be known as ^{Provisions for sewer fund, and public building fund.} ^{Public improvement bonds.}

- Proviso.** "public improvement bonds of the city of Detroit," on the faith and credit of the city as aforesaid, such sums of money as may be necessary for the purpose of constructing a highway, by bridge, or tunnel, with suitable draws, sites, and approaches over or under the Detroit river, from any point within the city limits, or within one mile thereof: *Provided*, That all of said public improvement bonds issued for the purpose above expressed, and bridging the American channel of the Detroit river to Belle Isle, if the same shall have been or may be authorized by an act of the legislature of this State, shall not exceed the sum of five hundred thousand dollars: *Provided, however*, That the gross debt of the city, not including the debt of the water board, and deducting the means in the sinking fund of the city, shall never exceed two per cent of the assessed value of all the real and personal property in said city; and all bonds and [or] other indebtedness issued or created in excess thereof, shall be void. Bonds issued under this section shall be respectively denominated "sewer bonds of the city of Detroit," "public building bonds of the city of Detroit," and "public improvement bonds of the city of Detroit," and shall be regularly dated and numbered in the order of their issue, shall be for sums not less than five hundred dollars each, and shall be payable in not less than five years or more than thirty years from date; shall be issued under the seal of the corporation, signed by the mayor, and countersigned by the controller. The controller shall keep an accurate record of said bonds, and of the class of indebtedness to which they belong, the number, date, and amount of each bond, its rate of interest, when and where the same is payable, and the person to whom it is issued. The proceeds of said bonds shall be paid into the city treasury, and be credited to the funds for which the bonds were issued, and be applied exclusively to the purpose for which said funds are constituted by this act. It shall be the duty of the city controller, in the preparation of all bonds, as required by this act, to cause to be written or printed upon the bond, on the outside fold of the same, so that the same may always be in plain sight, the following words, to be signed by the treasurer of the city, and the bonds not to be valid without his signature:
- "This bond has been made and issued in compliance with law; has been duly registered in the books of this office, and the proceeds of the same, together with all the premiums on sale, and interest accruing before delivery, have been paid into this office."
- "Detroit.....18....."*
- "City Treasurer."*
- Sale of bonds.** When any issue of bonds is duly authorized by law, and the controller shall have first advertised, in such manner as the common council shall direct, for sealed proposals for the purchase of the bonds about to be issued, and shall have received proposals for the purchase of such bonds, he shall report the bids to the common council. The common council having authorized the sale of such bonds, according to the proposals for the same, the controller shall prepare such an amount of the issue only as may be ordered sold, and having caused the same to be duly executed and recorded in

the books of his office, with all the particulars as required by the charter, he shall transmit the same, with the name of the purchaser, number, date, time, and denomination of bonds, to the city treasurer, taking his receipt for the same, and shall also report the entire transaction to the common council, at its next succeeding session. It shall be the duty of the city treasurer, on receipt of ^{Delivery of} bonds, to immediately notify the parties to whom the bonds have been awarded, that the same are ready for delivery, and deliver to said parties the bonds according to their accepted bids for the same, charging them with the premium, if any is included in the proposals, and the interest accrued on the bonds at the date of delivery, and further comply with this chapter by recording said bonds, and signing the blank as aforesaid, and report to the common council at its next following session, the full particulars of the delivery of the bonds, which report, together with the report of the controller heretofore mentioned, shall be referred to the committee on ways and means, who shall compare the report of the treasurer with that of the controller, and report to the council upon the correctness of the same, when they shall have found them to be correct. It shall be the duty of the city treasurer, whenever ^{Payment of} coupons are presented at his office for payment, to first examine his coupon book to ascertain if the bond from which such coupon is cut has been regularly issued, and the proceeds thereof have been regularly paid into the treasury, and if the payment of such interest is due. And if such be found to be the fact he shall transmit said coupons, with his certificate of their correctness, to the city controller. It shall be the duty of the controller, upon the receipt of said coupons and certificate of the treasurer, to examine the same, comparing them with the records of bonds in his office, and previous payment of coupons, and, if found correct, issue his warrant on the treasurer in payment of the same, whereupon he shall cause the said coupons to be firmly pasted in a book prepared for such purpose, which book shall be so prepared and ruled, with spaces for each coupon, under a complete record of the bond from which said coupon is cut, together with the date of payment and the name of the party to whom payment is made, so that the said book will at all times properly and plainly display the complete record of the bond, and all payments of interest by the original coupon, date of each payment, and name of the party to whom paid, and to which book or books the controller shall make reference, before the payment of any such coupon.

SEC. 8. No contract shall be let or entered into for the construction of any public work or for any work to be done or for the purchasing or furnishing of supplies for said city not herein provided for, and no such public work, performance, purchasing, or supplying shall be commenced until approved by the common council, and until the contract therefor has been duly approved and confirmed by the common council, and a tax or assessment levied to defray the cost and expenses of the same; and no such work, supplies, and materials shall be paid for or contracted to be paid for except out of the proceeds of the tax or the assessment thus levied.

<sup>Contracts for
public works,
furnishing sup-
plies, etc.</sup>

Contracts to be let to lowest bidder, etc.

SEC. 9. No contract for the purchase of any real estate, or for the construction of any public building, sewer, paving, graveling, planking, macadamizing, or for the construction of any public work whatever, or for any work to be done, or for purchasing or furnishing any material, printing, or supplies for said corporation, if the purchase of said real estate, or the expense of such construction, repairs, work, printing, materials, or supplies shall exceed two hundred dollars, shall be let or entered into except to and with the lowest responsible bidder, with adequate security: *Provided*, That in case of repairing paved streets, building and repairing crosswalks, culverts, intersections, and sidewalks the common council may cause the same to be done by the board of public works when so deemed advisable and ordered by a two-thirds vote of all the aldermen and councilmen elect. And as to such work or material requiring mechanical skill, to and with practical mechanics, and as to such other work, supplies, or materials, not requiring mechanical skill, to and with such persons as shall be deemed competent for the performance of any such contract, and not until a notice calling for bids shall have duly published in at least one daily paper published in said city, and for such period as the common council shall prescribe. And no bids shall be accepted from or contract awarded to any person who is in arrears to the corporation upon debt or contract, or who is a defaulter as security or otherwise upon any obligation to the corporation, or who shall be in other respects disqualified according to the provisions of this act.

Making loans, issuing bonds, etc.

SEC. 10. No loan, bond, or other evidence of debt, not expressly authorized by this act, or any act hereby continued in force, shall be made or issued by the common council or any officer of the corporation: *Provided, however*, That the common council may issue new bonds for the refunding of bonds and evidences of debt already issued, and the proper officer of the corporation may draw and issue orders on the treasurer for the necessary and current expenses of the city.

Borrowing of money.

SEC. 11. The common council shall not have authority, except as herein specially provided, to borrow any sums of money whatsoever on the credit of the corporation, but may authorize the controller to borrow from time to time on such credit, such sums as may be necessary to meet the expenditures under the appropriations for the current fiscal year.

Issuing new bonds, etc., to refund old ones.

SEC. 12. All new bonds issued for the refunding of bonds and evidences of debt before issued shall show the class of indebtedness to which they belong; be issued on the best terms that can be made; be regularly dated and numbered in the order of their issuance; shall be for sums not less than five hundred dollars each; shall be issued under the seal of the corporation, signed by the mayor, and countersigned by the controller. The controller shall keep an accurate record, showing the class of indebtedness to which they belong, the number, date, and amount of each bond, its rate of interest, when and where the same is payable, and the person to whom it is issued, and showing also what bonds or evidences of debt have thereby been refunded.

SEC. 13. All bonds and evidences of debt, when refunded, shall be cancelled and destroyed by the treasurer, in the presence of the controller and a special committee of the common council appointed for the purpose. He shall record and keep an accurate description of all bonds and evidences of debt thus cancelled and destroyed.

SEC. 14. All bonds and evidences of debt issued, and all contracts made or entered into contrary to or not authorized by the provisions of this act, shall be absolutely void. The common council shall incur no expense and create or pay no debt or liability contrary to or not authorized by the provisions of this act, and shall not appropriate or use the property or moneys of the corporation, except as authorized by and in pursuance of law.

SEC. 15. No claim or demand against the corporation shall be allowed or paid, or warrant on the treasury issued therefor, if the same be contrary to, or is not authorized by law, and no additional allowance beyond the legal claim under any contract with the corporation, or for any service [services] on its account or in its employment, shall be allowed. No warrant on the treasury shall be drawn for any claim or demand for the payment of which there is no money in the treasury raised or received for such purpose, or after the fund constituted and raised therefor has been exhausted by warrants previously drawn thereon, or by appropriations, liabilities, debts, and expenses actually made, incurred, or contracted for, and to be paid out of such fund.

SEC. 16. No moneys shall be paid out of the treasury, except upon a warrant signed by the controller, and approved or authorized by the common council in pursuance of law. Such warrant shall specify the purpose for which the amount thereof is to be paid, with sufficient clearness to indicate the particular fund constituted or raised therefor, shall have endorsed thereon the name of the particular fund out of which it is payable, and shall be paid from the fund constituted for such purpose, and from no other.

SEC. 17. No claim against the corporation shall be audited or paid unless accompanied by the affidavit of the claimant, if such affidavit be required by the controller, that the service, labor, or materials upon which such claim is based have been actually rendered, performed, or furnished; that said claim is justly due, and that no part thereof has been paid, except as to the credits, if any, set forth in the account therefor.

SEC. 18. The common council shall not, by warrant, draft, or order on the treasury, or by any form of contract, create any liability or expense, for the payment of which any particular fund is constituted as above, to a greater amount in the aggregate, for any one year, than the amount of moneys raised for and paid into such fund for the year. All warrants, drafts, orders, and contracts payable under this act, out of any particular fund, and issued or made after the moneys raised for and paid into such fund shall have been exhausted by payments therefrom, or liabilities created and to be paid out of said fund, shall be absolutely void as against the corporation.

Cancellation of bonds, etc., refunded.

Bonds, etc., void.

Claims, not authorized by law, not to be paid.

Warrant not to be drawn on treasury when there is no money.

How money paid out of treasury.

Claims to be accompanied with affidavit.

Council not to create liability in excess of amount received in any fund.

Officers of corporation not to be interested in contracts, etc.

SEC. 19. No contract or agreement, written or verbal, to which the corporation shall be a party, or to which any officer or board thereof shall officially be a party, for the construction of any pavement, building, sewer, or performance of any public work whatsoever, or contract or agreement, requiring the expenditure, receipt, or disposition of money or property, by the corporation, or any officer or board thereof, or creating any debt or liability, shall be let, or entered into, either directly or indirectly, with any member of the common council, or other officer of the corporation, either as principal or surety, and any such contract or agreement thus let or entered into shall be absolutely void.

Passing ordinances, etc., requiring expenditures.

SEC. 20. No ordinance, resolution, or proceeding of the board of councilmen or board of aldermen, imposing taxes or assessments, or requiring the payment, expenditure, or disposition of money or property, or creating any debt or liability therefor, and no other ordinance shall be passed at the same meeting at which it was introduced, unless by unanimous consent, or at a special meeting called therefor, and every such ordinance, resolution, or proceeding shall be passed by yeas and nays, to be entered on the record.

Fiscal year.

SEC. 21. The fiscal year of the city of Detroit shall commence on the first day of July, and expire on the thirtieth day of June, and shall not be subject to change by the common council of said city. During the month of July in each year, the controller shall submit to the board of aldermen a full, complete, and detailed statement, with tabular lists, of all moneys received and expended by the corporation for the preceding fiscal year, showing on what account they were received and expended, to what funds they were credited, and out of what funds they were paid, and classifying each receipt and expenditure under its appropriate head. In such statement he shall also give, by tabular lists and otherwise, such general information as may be necessary for an understanding of the pecuniary resources and liabilities of said city, and of the condition of each fund, and may make such recommendations concerning the same, as the interest of said city may require. The board of aldermen may cause said statement to be published in the daily newspaper, published by the printer for said city, and in such other paper or papers as the board of aldermen may direct.

Estimates of expenditures from officers, etc.

SEC. 22. The common council and the controller, or either, may, at any time, require from the various officers and boards of the corporation, and it shall be their duty to furnish, when required, and in such form as shall be required, full and particular estimates, in detail, of the expenses of their offices or departments for the current or next ensuing fiscal year, and also full and particular accounts, in detail, of their expenses for any past year, or for any part thereof.

Contract with banks, for keeping public moneys.

SEC. 23. The common council shall have power to contract with any safe bank or banks, for the safe keeping of the public moneys, and for the receipt of interest, at a rate not exceeding that established by law, upon such moneys of the corporation deposited with such bank or banks, and to be drawn on account current from such

bank or banks, by the corporation, or proper officer thereof, and such interest shall belong and be credited to the sinking fund.

SEC. 24. The mayor, controller, and chairman of the committee of ways and means of the board of councilmen, and chairman of the committee of ways and means of the board of aldermen shall constitute a committee for the negotiation of all loans authorized by this act, except as to any loans to be made by the controller, under the authority of the common council, as above provided; and a majority of said committee shall have power to make such negotiation, subject to the approval of the common council.

SEC. 25. All taxes and moneys raised, received, or appropriated for the purpose of any particular fund, shall be paid in and credited to such particular fund; and all taxes and moneys not raised, received, or appropriated for the purpose of any particular fund, shall be paid into and credited to the general fund, or such other fund as the common council shall direct.

SEC. 26. The moneys belonging to the several funds of the corporation, and all taxes and moneys raised, received, or appropriated for the purposes thereof, shall be applied to the purposes for which said funds are respectively constituted, as above; and for which said taxes and moneys are raised, received, or appropriated: *Provided, however,* That if from any cause, there shall be, at the end of any fiscal year, a surplus in any other than the public building fund, the district road fund, for each ward, and the sinking fund, over and above the actual or estimated cost of any work for which the money of any fund was specifically raised, such surplus shall be transferred and credited, by the treasurer, to said sinking fund, at the end of such fiscal year, whenever there shall not be sufficient moneys therein to pay the outstanding funded debt of said city.

SEC. 27. Moneys shall not be transferred from one fund to another, and the moneys received and properly belonging to one fund shall not be credited to any other, or different fund, except to the sinking fund as above provided: *Provided,* That such moneys derived from liquor taxes, as may be in the contingent fund at the end of any fiscal year, after July first, one thousand eight hundred and eighty-four, may be placed to the credit of such fund as the common council may direct, but the controller shall have the power to divide the several funds above constituted into special funds, to defray special expenses, belonging to the same class of expenses, for the payment of which said several funds are above constituted.

SEC. 28. The mayor, controller, treasurer, and committees on ways and means, of the board of councilmen and board of aldermen, and their successors in office, by virtue of their offices, shall be a board of commissioners of the Detroit city sinking fund. They shall, from time to time, upon the best terms they can make, purchase or pay the outstanding funded debt of said city, or such part thereof as they may be able to purchase or pay, until the same be fully purchased or paid; and all bonds and evidences of debts, thus purchased or paid, shall be delivered to the treasurer, and shall

**Endorsement
upon bonds
purchased by
board, etc.**

become and be the property of the commissioners of the sinking fund, and the interest thereon shall be credited and belong to the sinking fund. . The city treasurer shall endorse upon the back of all bonds so purchased by the commissioners of the Detroit city sinking fund, for the benefit of that fund, the following, viz.: "Registered bond, not transferable without the written consent of the mayor, controller, and city treasurer endorsed hereon;" and whenever they can not arrange for purchasing or paying the said debt, or any part thereof, they shall, temporarily, and until they can so arrange, invest the moneys belonging to said sinking fund in such securities, bearing interest, as they deem safe and advisable. Said commissioners shall, from time to time, and whenever requested by the common council, make report of their doings, which report shall be made to the common council, referred to and filed with the controller, and recorded by him in some proper book, to be provided for that purpose.

**To be a board of
the corporation.**

SEC. 29. Said board of commissioners of the sinking fund shall be a board of the corporation within the meaning of this act, and shall be subject to the provisions of any existing or future ordinances of said city, relative to the sinking fund. They shall meet from time to time for the transaction of business, and may adopt rules of proceeding at their meetings. A majority of the whole board shall be a quorum for the transaction of business, but they shall not purchase in or pay the outstanding funded debt of said city, or invest any of the moneys belonging to the sinking fund, as above provided, except under a resolution for such purpose, passed and approved by the vote of a majority of the whole board, and by yeas and nays, to be entered of record. The mayor, or in case of his absence, some member, to be appointed by those present, shall preside at their meetings. They shall appoint one of their members secretary of the board, whose duty it shall be to keep a true record of its doings.

**Custody, etc., of
moneys of sink-
ing fund.**

SEC. 30. The treasurer shall have the custody of all moneys, securities, and evidences of value belonging or pertaining to the sinking fund, and shall pay out the moneys of said fund only by order of the commissioners, or a majority thereof, and upon the warrant of the controller.

**Pledge for pay-
ment of bonds.**

SEC. 31. The faith and property of the city of Detroit shall remain pledged for the final payment of all bonds issued, and of all moneys borrowed by authority of, and in accordance with this or any other act of the legislature of this State.

**Penalty for
appropriating
moneys, etc., of
corporation.**

SEC. 32. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever belonging to the corporation, or any board thereof, to his own use, or shall directly or indirectly, and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property may have been appropriated, raised, or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted, tried, and convicted therefor, and on conviction may be punished

by fine not exceeding one thousand dollars, and imprisonment in the State prison or Detroit house of correction not exceeding three years, or either, in the discretion of the court.

SEC. 33. Whenever the common council shall order any street, or any portion thereof, to be graded, or graded and paved, or repaved, it may enter into contract for the making of such improvement according to the provisions of this charter, and after the cost and expense thereof has been ascertained, it shall cause the same, except the cost of crosswalks and of the work at the intersection of cross streets, to be assessed upon the lots and real estate herein made subject to such assessment as hereafter provided. In case of every contract for paving, the work to be performed thereunder shall be commenced and completed between the first day of May and the first day of November in each year: *Provided*, That when such paving shall not be completed at such time by reason of inclement weather, or other good cause, and from no fault of the contractor, the common council may extend the time for its completion.

SEC. 34. For the purpose of such assessment, the lots and parcels of real estate situated on said street and fronting the portion thereof ordered to be improved, shall constitute one local assessment district, unless the common council, with a view to make the assessment more equal and just, shall subdivide the same into two or more assessment districts. Such subdivision, if made, must be done before asking bids for the work, and in no case shall a city block be divided in making such division. The work for each local assessment district shall be bid for and let separately, and such bidding and letting shall show:

First, The cost of all paving and grading, except that of the intersection of the cross streets and alleys, and the cost of the crosswalks at such intersections;

Second, The cost of the grading and paving of each portion of the street included within the lines of intersection of any cross street and alleys;

Third, The cost of the crosswalks at such intersections: *Provided*, That in cases where a side street merely opens upon and does not extend across the street to be paved, the space formed by extending the lines of the former street to the middle of the latter street shall, for the purposes of this act, be treated as the spaces formed by the intersection of cross streets. All necessary platforms and curbings shall, for the purposes of such assessment, be deemed to be included within the term "paving."

SEC. 35. The cost and expense of such improvement, except so much thereof as shall be for the work within the lines of intersection of cross streets and alleys, and for the crosswalks at such intersections shall be assessed ratably, according to their extent of front, on the lots, parts of lots, or parcels of real estate directly fronting on and within the local assessment district: *Provided*, That if the assessment made on any such lot, or other parcel of land shall, by reason of its triangular or other irregular shape, seem to the common council to be inequitable, said council may direct a just portion of such assessment to be paid from the general road

fund. The cost of the work within the lines of the intersection of cross streets, and also the cost of the crosswalks shall be paid out of the general road fund. The word "front," as used in this act, shall be construed to mean that part of the lot or other parcel of land which directly abuts on that part of the street to be improved.

Assessment of lands not platted.

SEC. 36. Whenever in the improvement of a street as aforesaid, any land or real estate which has not been duly platted into city blocks, or lots, shall be required to be assessed to pay any part of the cost of such improvement, the council shall designate such part or parts thereof for such assessments as shall correspond as near as practicable to the portions of the block or blocks nearest adjacent thereto, subject to like assessment, and the part or parts so designated shall be assessed as near as may be in the manner herein provided for the assessment of lots.

Assessment roll.

SEC. 37. The board of assessors shall, when necessary, proceed to make out a list of all the lots or parcels of real estate constituting a local assessment district as aforesaid, with the name of the owner or occupant of each lot or parcel of real estate, so far as said board can ascertain the same, and also the length of front of each lot or parcel of real estate fronting directly on such improvement. Such board shall then assess the cost and expenses of the work chargeable as aforesaid upon the property in said list, ratably upon the several lots and parcels of real estate, according to the length of front thereof. When the assessment roll is thus completed said board shall give notice by at least five publications in the city paper that such roll is completed, and will remain in their office for twelve days from the first publication of said notice, for the inspection of all concerned. At the expiration of said twelve days said board shall after any needful revision and correction of such roll, sign the same and report it to the common council. Said council may then confirm the same or may, when it shall deem necessary, refer the same back to said board for further revision or corrections. And when the same shall be corrected to the satisfaction of said council it shall, by resolution, confirm the same. After such confirmation, such assessment shall constitute a lien, until paid, upon said lots or parcels of real estate, and shall be collected in such manner as may be authorized by law.

Confirmation, etc., of.

Assessment a lien after confirmation.

Grading, paving, etc., crosswalks, etc., under existing contracts.

Ordinances for paving, etc., alleys, and assessment for.

SEC. 38. When unperformed contracts for grading and paving hitherto made are still in force, it shall be lawful for the common council, with the consent of the contractors, to ascertain and apportion the proper cost under the contract of grading and paving the spaces at intersecting cross streets and alleys, and also the cost of crosswalks, and to pay for the same out of the general road fund, and to cause the residue of the cost of the work to be assessed on the adjacent property, and collected in the manner heretofore provided in this act.

SEC. 39. The common council may make such ordinances for the paving of or otherwise improving alleys in said city, and assessing property adjoining the same for paying for such improvement, as by said common council shall be deemed expedient, and the present ordinances on that subject are hereby validated and continued in

force, with the same effect as if passed under this section, till the same shall be repealed or altered by the said common council.

SEC. 40. The common council shall have power to annually levy, assess, and collect, on the assessed value of all the real and personal estate in said city made taxable by the laws of this State, a sum not exceeding two thousand dollars, for the purpose of defraying the costs and expenses of receptions, entertainments, and celebrations, to be expended from time to time therefor, in such manner as the common council shall, by resolution, direct. Tax for receptions, entertainments, etc.

SEC. 41. This act shall not invalidate any legal act done by the common council, or any board or officer of said city, or change or affect the present term of any officer or board or commission of said city, and all ordinances, resolutions, and proceedings of the common council or any board of said city now in force, and not inconsistent with this act shall remain in full force until altered, amended, or repealed under this act, nor shall this act invalidate any act or law governing the several boards and commissions of said city or any law not in conflict herewith. Effect of act upon former action of boards, officers.

CHAPTER XII.

RECORDER'S COURT.

SECTION 1. The office of recorder and "the recorder's court of the city of Detroit," shall continue as heretofore created and established. The present recorder shall continue in office for the full term for which he was elected. Recorder's court continued.

SEC. 2. The next election of recorder of the city of Detroit shall be held on the first Monday of April, in the year eighteen hundred and eighty-seven. Notice of such election shall be given by the clerk of said city in the manner prescribed by law in the case of the election of city officers, and the provisions of law relative to holding elections of city officers in said city, canvassing the votes, and making returns thereof, so far as applicable, shall apply to such election. Election of next recorder.

SEC. 3. On the first Monday of April, next preceding the expiration of the term of office of said recorder, his successor shall be elected in the same manner as that herein prescribed for the election of said recorder. Subsequent elections.

SEC. 4. The recorder shall hold office for the term of six years from and after the second Tuesday in January succeeding his election, and shall be the judge of the recorder's court of said city. The judge of the superior court of Detroit may act as judge of said recorder's court whenever requested so to do by the recorder, or in the absence, sickness, or incapacity of said recorder, or when there is a vacancy in the office of recorder. Term of office, to be judge, etc. Judge of superior court may act for.

SEC. 5. It shall be the duty of the common council of said city of Detroit to cause an election to be held to fill any vacancy in the office of recorder of said city in the same manner as is provided for filling a vacancy in the office of mayor thereof, and whenever said recorder shall tender his resignation to the common council, to take effect at some future day, and the same shall have been accepted, Filling vacancies in office.

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said common council may cause an election to fill the expected vacancy, which may be held between the time of said acceptance of resignation and the day when it is to take effect: *Provided*, That not less than ten days' notice of such election shall be given; or such expected vacancy may be filled at any regular election occurring within thirty days after such acceptance of resignation, if said common council so order, and such recorder elect shall assume the duties of the office at the time said resignation takes effect, or as soon thereafter as he is elected and qualifies.

Salary of.

SEC. 6. The recorder shall receive from the treasury of the State of Michigan the same annual salary as may be payable to circuit judges. He shall also receive from the treasury of the city of Detroit such additional salary as shall be sufficient, with the sum so received from the State, to make the salary of said recorder four thousand dollars.

Clerk and deputy.

SEC. 7. There shall be a clerk and deputy clerk of said recorder's court, who shall be appointed by the judge thereof, and a memorandum of such appointments shall be entered upon the records of said court. Such clerk and deputy clerk shall hold their respective offices for the term of two years from and after the third Tuesday in January, and until their successors are duly appointed and qualified. The judge shall have power at any time to remove such clerk and deputy clerk for incompetency or serious neglect in the performance of their duties, and in case of such removal or of a vacancy in said office by the death of said clerk or deputy clerk, or otherwise, the judge shall fill the unexpired term by a new appointment.

Bonds of.

SEC. 8. The clerk and deputy clerk of said court, each before entering upon the duties of his office, shall give a bond to the people of the State of Michigan, in the penal sum of three thousand dollars, to be approved by the judge of the said court, for the faithful discharge of the duties of said office. The condition of such bond shall be in substance as follows:

Whereas, The above bounden _____ is the _____ of the recorder's court of the city of Detroit, now, therefore, the condition of the said obligation is such, that if the said _____ shall faithfully, truly, and impartially enter and record all orders, decrees, judgments, and proceedings of the said court, and faithfully and impartially perform all other duties of his said office, and shall pay over all moneys that may come into his hands as such _____, and shall deliver to his successor in office all the books, records, papers, seals, and other things belonging to the said office, then the above obligation to be void, otherwise to remain in full effect.

Duties of clerk.

SEC. 9. It shall be the duty of said clerk to keep a true record of the proceedings of said court in proper books to be provided therefor, to enter and record all orders, decrees, and judgments, and file and safely keep all books and papers belonging or pertaining to said court. He shall sign and seal all writs and process issuing from said court, and shall have power generally to administer oaths and take affidavits and acknowledgments. He shall receive such salary, not exceeding eighteen hundred dollars and not less than fifteen

Salary.

hundred dollars, as shall be voted to him by the common council of the city of Detroit, which shall be payable out of the treasury of said city.

SEC. 10. The deputy clerk of said court shall have the same powers as are given to the clerk thereof, and he shall receive such salary, not exceeding fifteen hundred dollars, and not less than thirteen hundred dollars, as shall be voted to him by the common council of the city of Detroit, which shall be payable out of the treasury of said city.

SEC. 11. The said recorder's court shall have original and exclusive jurisdiction of all prosecutions and proceedings in behalf of the people of this State, for crimes, misdemeanors, and offenses arising under the laws of this State, and committed within the corporate limits of the city of Detroit, except in cases cognizable by the police court of the city of Detroit, or by the justices of the peace of said city; and shall have power to issue all lawful writs and process, and to do all lawful acts which may be necessary and proper to carry into complete effect the powers and jurisdiction given by this act, and especially to issue all writs and process, and to do all acts which the circuit courts of this State, within their respective jurisdictions, may, in like cases, issue and do by the laws of this State: *Provided*. That this section shall not be construed to prevent the grand jury for the county of Wayne from inquiring into and presenting indictments, as heretofore, for crimes and offenses committed within the limits of said city.

SEC. 12. All indictments for offenses committed within the limits of the city of Detroit, which may be found and presented to the circuit court for the county of Wayne, by the grand jury of said county, shall be forthwith certified and transmitted by the clerk of said circuit court to said recorder's court, and thereupon said recorder's court shall have as full and complete jurisdiction of said indictments as if the same had been originally presented to said recorder's court, and shall have full power to take all further proceedings thereon.

SEC. 13. Except as provided in the preceding section, prosecutions in the recorder's court for crimes, misdemeanors, and offenses arising under the laws of this State, and within the jurisdiction of said court, shall be by information as provided for in chapter two hundred and sixty-one of the compiled laws of eighteen hundred and seventy-one: *Provided*, That in all cases where an information shall be filed against any person held for trial before said court, it shall not be necessary that said information be verified by oath.

SEC. 14. Said recorder's court shall have full jurisdiction and authority to control and enforce all recognizances lawfully taken by said court, or by the judge or clerk thereof, or by any other court, judge, or magistrate, in the course of any prosecution or proceeding pending in said court, or lawfully taken by any court, judge, or magistrate, to compel any person or persons to appear before said recorder's court, and there to answer and do according to the terms thereof; and whenever default shall be made in any such recogni-

*Deputy, duties
and salary of.*

*Indictments
found in circuit
court to be cer-
tified to.*

*Criminal pros-
ecutions, etc., is,
to be by informa-
tion.*

*Jurisdiction to
enforce recogni-
sancess, etc.*

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zance, such default shall be duly entered of record in said recorder's court, and thereafter said court shall, upon the motion of the prosecuting or city attorney, summarily enter judgment against all the parties liable on said recognizance, for the full amount thereof: *Provided, however,* That any person against whom such judgment may have been entered, shall have the right to apply to the court within twenty days after the rendition of such judgment, for the vacation of the same, for good cause shown, and said court may thereupon, in its discretion, vacate such judgment on such terms as it may deem just. Execution shall be awarded and executed upon said judgment in like manner as is provided [in] personal actions.

Form of recognizance.

SEC. 15. Any such recognizance as is mentioned in the preceding section, may be in the usual form, or may contain a further clause, authorizing said recorder's court, upon default in said recognizance, summarily to enter judgment upon the same, against the several parties liable thereon, for the full amount of such recognizance.

Prosecuting attorney to act for people in said court.

SEC. 16. The prosecuting attorney for the county of Wayne, or his assistant, shall appear and act for the people of the State of Michigan, in said recorder's court, in all cases arising under the laws of this State, and he shall render to said court, in writing, and on oath, at the last term thereof in each year, an annual account of all moneys collected or received by him as the prosecuting officer of said court.

Powers of judge to grant writs of habeas corpus.

SEC. 17. The judge of said recorder's court shall possess the same power to grant writs of *habeas corpus*, returnable before himself, and to adjudicate thereon, and do all acts in vacation touching any suit or proceeding in said court, as is now, or may be possessed by the judges of the circuit courts of the State, in matters before said circuit courts.

Powers of, at chambers.

SEC. 18. The judge of the recorder's court shall have all such powers and authority at chambers, touching any suits or proceedings in said recorder's court, as the judges of the circuit courts now have, or may have, in like suits or proceedings before said circuit courts.

Rules of practice of.

SEC. 19. The said recorder's court shall have power to make rules for regulating the practice, and conducting the business thereof, and to alter, amend, or repeal the same in its discretion.

To be court of record.

SEC. 20. Said recorder's court shall be a court of record, and have a seal, which it shall devise, and a description thereof, attested by the clerk of said court, shall be deposited in the office of the controller.

To whom process, etc., to be directed.

SEC. 21. All writs and process, issuing from said recorder's court, on complaints under the city ordinances, or for offenses under this act, shall be directed to the superintendent or any member of the metropolitan police of said city, and may be served and executed by the officers to whom the same are directed, at any place within the limits of this State; and all writs and process for offenses under the general laws of the State, shall be directed to the sheriff of the county of Wayne, or the superintendent or any member of

the metropolitan police of said city, and all writs and process shall run "In the name of the People of the State of Michigan," be sealed with the seal of the court, signed by the clerk of said court, dated on the day on which the same may issue, and tested in the name of the recorder of said city.

SEC. 22. Said recorder's court shall have exclusive cognizance of all prosecutions for offenses arising under this act, or any ordinance or regulation of the common council. All such prosecutions shall be "In the name of the People of the State of Michigan," and be commenced by filing with the clerk of said court a complaint, in writing, in the form of an affidavit, duly sworn to before said clerk, and subscribed by the person making the complaint, and having endorsed thereon the proper jurat of said clerk; and it shall be deemed sufficient to set forth, in said complaint, the offense complained of according to its substance. When a complaint shall be filed as herein provided, a summons shall be issued by the clerk of said court, commanding the respondent in said complaint to appear before said court on a day therein mentioned, to answer to said complaint; and if said respondent shall fail to appear in obedience to said summons, warrants may be issued by the clerk of said court upon the request of the city attorney endorsed upon the complaint, or upon the order of said court, or of the judge thereof, for the arrest of said respondents, who shall be committed to the jail of Wayne county to await trial upon said complaint, unless he enter into a recognizance for his appearance to answer to said complaint, in such sum and with such sureties as said court may by a general or special order direct. A warrant may be issued in the first instance, if it be alleged in said complaint that there is danger of the escape of the respondent beyond the reach of the process of said court unless a warrant do issue. The trial shall be had and determined upon said complaint, and upon pleadings, which may be amended, in the same manner as indictments or information and pleadings under the general laws of the State.

SEC. 23. There shall be a term of said recorder's court once in each month, which shall commence on the first Monday thereof, and may be continued or adjourned from time to time, as long as said court may deem necessary for the transaction of its business; and if, from any cause, the judge of said court shall be unable to hold the same on the first day of a term, or on any other day to which said court is adjourned, the clerk thereof shall have power to open said court and adjourn it from time to time, until the judge shall be able to attend; and in such case all prosecutions, proceedings, and matters pending in said court shall stand continued until said judge can hold said court.

SEC. 24. All the proceedings of said recorder's court at any time before or after final judgment or sentence may be removed to the supreme court by writ of error or other process, in the same manner that like proceedings may, by law, be removed to the supreme court from the circuit courts of the State, and the supreme court shall proceed to adjudicate thereon in the same manner as on proceedings removed from said circuit courts.

City attorney to collect fines, etc.

SEC. 25. It shall be the duty of the city attorney to collect all fines and penalties imposed for offenses under this act or any ordinance or regulation of the common council of said city, which shall be reported in writing by the clerk of said court, at the close of each term thereof, to the board of aldermen, and immediately after their collection or receipt by the city attorney, shall be paid by him to the treasurer of said city.

Inspection of books, records, etc.

SEC. 26. The common council of said city and the board of auditors of Wayne county, or any committee thereof appointed for the purpose, may at all reasonable times inspect the records and papers of said recorder's court, and the clerk thereof shall give them, when requested, any information within his power or knowledge concerning such records and papers, and concerning all fines and penalties imposed by said court.

Costs and expenses of prosecutions, and board of prison-ers, etc.

SEC. 27. The city of Detroit shall be liable for all reasonable costs and expenses, and the board of prisoners incurred in prosecutions for offenses and proceedings in said recorder's court, arising under this act or any ordinance or regulation of the common council of said city; and the county of Wayne shall be liable for all reasonable costs and expenses, and board of prisoners incurred in prosecutions for offenses and proceedings in said court, arising under the general laws of the State; but if there be a conviction and sentence of confinement in the Detroit house of correction of said city, for any offense now or hereafter punishable by imprisonment in the State prison, the expenses attending the confinement of the prisoner, after sentence, shall be paid by the State treasurer, quarterly [quarter-yearly], on the certificate of the city controller that such expenses have been incurred.

Imprisonment of certain persons in county jail.

SEC. 28. Any person liable to be imprisoned or confined under this act, or any ordinance or regulation of the common council of said city, for failing to enter into any recognizance lawfully required, or for disobeying any order of said recorder's court, may be so imprisoned or confined in the jail of Wayne county, and it shall be the duty of the keeper of said jail to receive and safely keep therein all persons thus subject to imprisonment or confinement, until legally discharged therefrom.

Safe keeping, escape, etc., of prisoners.

SEC. 29. Any law of this State for the safe keeping of prisoners in a county jail, or for preventing or punishing their escape, or the aiding of them to escape, or any other act detrimental to their safe keeping in a county jail, shall apply to any jail, work-house, or house of correction established and provided under this act by the city of Detroit for the imprisonment or confinement of offenders, in the same manner and to the same effect as to a county jail.

Council may prescribe punishments.

SEC. 30. Punishments not herein prescribed for offenses against this act, and for offenses against the ordinances and regulations of the common council, shall be prescribed by said common council.

Prosecutions governed by general laws.

SEC. 31. In all prosecutions for crimes, misdemeanors, and offenses arising under the laws of this State, said recorder's court shall be governed in the same manner as the circuit courts of the State are, by the general laws thereof, which, so far as the same may apply, are hereby made applicable to said recorder's court, its offi-

cers and all proceedings therein, subject to the provisions of this act.

SEC. 32. Any person charged with an offense under this act, or any ordinance or regulation of the common council of said city, shall be tried by the court, unless he shall request to be tried by a jury; and if he so request, he shall be entitled to the same right of challenge, and other rights and benefits extended by law to persons on trial by a jury in criminal cases before said court, subject to the provisions of this act.

SEC. 33. The "board of jury commissioners," as created by act ^{Jury list.} one hundred and sixty, of the session laws of eighteen hundred and eighty-one, shall, as provided in this act, annually, or whenever required by said recorder's court, in accordance with the provisions of section five of said act, select persons to serve as petit jurors for the trial of causes in said court, and file a list thereof with the clerk of said court. The number to be selected on the third Monday in May of each year, as provided in said act, shall be six hundred.

SEC. 34. The clerk of said court, on receiving said list shall file ^{Clerk to file list.} it in his office, shall write the names of the persons thus selected on separate strips of paper of the same size and appearance, as nearly as may be, shall fold up each of said strips of paper in the same manner, so as to conceal the name thereon, and deposit and preserve the same in a box, to be called and labeled "jury box," and the persons whose names are thus returned and deposited in said jury box shall be liable to serve as jurors for one year, and until another list shall be selected, returned, and filed with said clerk and the names thereon deposited in said jury box in the manner aforesaid.

SEC. 35. Before depositing in said jury box the names contained in any new list, the ballots deposited therein for the preceding year shall be taken out and destroyed, and it shall be the duty of the judge of said court to attend and be present with the clerk when the ballots containing the names of persons to serve as jurors are deposited in said jury box, or taken out to be destroyed.

SEC. 36. At least ten days before any term of said recorder's court, at which jury trials may be had as above provided, the clerk of said court shall draw from the jury box the names of as many persons as the said court may deem necessary, not less than twenty-four, nor more than fifty, to serve as petit jurors in said court. At least two days before such drawing the said clerk shall give notice to the judge of said court, and to the sheriff, of the time when such drawing shall take place.

SEC. 37. At the time so appointed it shall be the duty of said judge, and of the sheriff or under sheriff of Wayne county, to attend at the clerk's office and witness said drawing of jurors, and if neither said judge, sheriff, or under sheriff be present at the appointed time, the clerk may adjourn such drawing to some certain hour on the next day, of which adjournment he shall forthwith give notice to said judge and sheriff.

SEC. 38. If at the time first appointed for such drawing, or at

Destroying old
names before
deposit of new.

Notice of draw-
ing jurors for
any term.

Judge and sher-
iff to attend
drawing.

**Drawing of
jurors.**

the adjourned time therefor, either said judge, sheriff, or under sheriff shall be present, the clerk shall proceed in such drawing as follows: He shall shake the jury box so as fairly to mix the slips of paper deposited therein, shall then draw from said box publicly, and in the presence of the officer or officers attending, as many strips of paper containing the names of jurors written thereon as may have been ordered by said court, and one of the attending officers shall keep a minute of such drawing in which he shall enter the name on every strip of paper drawn, before any other such strip be drawn. If, after drawing the whole number required, the name of any person shall appear to have been drawn who is insane, or dead, or has removed from the city of Detroit, or is otherwise incompetent to the knowledge of said clerk, or any attending officer, an entry of such fact shall be made on the minute of the drawing, the strip of paper containing his name shall be destroyed, and another name shall then be drawn in the place of that destroyed, and entered on the minute of the drawing, and like proceedings shall be had as often as necessary, until the whole number of jurors required shall be drawn.

Venire facias.

SEC. 39. The said minute of the drawing shall then be signed by the clerk of said court and the attending officers and filed by the clerk in his office, and he shall immediately make out a *venire facias* and deliver the same to the sheriff of Wayne county, which shall command him or any of his deputies to summon the persons therein named to be and appear in said court at the term thereof for which they were drawn, to serve as petit jurors and not depart the same until discharged, under such penalty as the court may impose.

Service of.

SEC. 40. Said *venire facias* shall be served at least three days before the term of the court therein specified, by giving personal notice to each person therein named, or by leaving a written notice at his place of residence with some person of proper age, and return thereof shall be made to said court at its opening, specifying those who were summoned and the manner in which each person was notified.

**Fines for non-
attendance of
jurors.**

SEC. 41. Said court shall impose a fine on each person duly summoned to attend as a juror who shall without reasonable cause neglect to attend, not exceeding five dollars for each day's non-attendance and neglect, but all persons who, under the general laws of the State, are exempted or may be excused from serving as jurors in the circuit courts, shall be exempted and may be excused from serving as jurors in said recorder's court.

**Disposition of
ballots drawn.**

SEC. 42. The clerk of said court shall destroy the ballots of all persons who shall attend and serve as jurors, or who shall be excused from serving as jurors on the ground of being exempted by law from such service, and the ballots of persons who did not appear and serve which shall not have been destroyed shall be returned to the jury box.

**Proceedings in
case of failure
to draw jury.**

SEC. 43. Whenever for any cause petit jurors shall not have been drawn or summoned to attend any term of said recorder's court, or a sufficient number of qualified jurors shall fail to appear, such

court may, in its discretion, order a sufficient number of petit jurors to be forthwith drawn from said jury box and summoned to attend such court.

SEC. 44. The sheriff on receiving a list of jurors drawn pursuant to the preceding section shall proceed as soon as possible to summon such jurors forthwith to attend such court, and make return to said court of his doings in the same manner as in the case of a *venire facias*.

SEC. 45. When there shall not be jurors enough present to form a panel in any case said court may direct the officer in attendance on said court to summon a sufficient number of persons having the qualifications of jurors to complete the panel from among the bystanders or the neighboring citizens, and such officer shall immediately summon the number so ordered and return their names to said court.

SEC. 46. The clerk of said court, on the first day of January in each year, or as soon thereafter as practicable, shall make to the board of aldermen a report in writing duly certified by him, showing the whole number of prosecutions by information or indictment, which number shall be also classified by the name or description of the offense; the whole number of prosecutions for offenses against this act or the ordinances and regulations of the common council, which shall be also classified in like manner so far as practicable; the whole number of prosecutions, convictions, acquittals, cases dismissed and discontinued, and cases pending; the whole number of sentences passed; the whole number punished by fines and penalties; the whole number punished by imprisonment and confinement, which shall also be classified according to the prison, jail, or other place of imprisonment or confinement; and the whole number held to bail for good behavior and to keep the peace; and said report shall be published in such manner as the said board shall direct.

SEC. 47. There shall be a stenographer of said recorder's court, who shall be appointed by the governor, and the person so appointed shall be deemed an officer of the court, and it shall be his duty to attend at each session thereof, and to take full stenographic notes of the testimony and of the charge of the court in all cases tried in said court, unless otherwise ordered by the judge thereof. And in case the judge shall so order, he shall make a legible transcript of his notes, which shall be filed by the clerk and preserved as part of the files in the cause, subject to the inspection and use of all parties interested. He shall receive a salary not less than twelve hundred dollars per annum, to be fixed by the board of auditors of Wayne county, which shall be paid in monthly installments out of the county treasury. Said stenographer shall be entitled to the same fees for making a transcript of the testimony and charge of the court in any case as shall be allowed by law to the stenographer of the circuit court of Wayne county for like service.

SEC. 48. In case of the sickness or temporary absence of the stenographer the recorder may appoint some competent person to act in his stead, who, while so acting, shall be paid out of the county treasury such sum as the court shall allow.

In case of
absence, etc., of

What provisions
of act not to
affect.

SEC. 49. This act shall not be construed to repeal or in any way affect any of the provisions of act four hundred and seventy-nine, of the session laws of eighteen hundred and seventy-one, entitled "An act to establish a police government for the city of Detroit," relating to attendance by members of the metropolitan police on said court and the service of process issuing therefrom.

Acts repealed.

SEC. 50. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Ordered to take effect July 1st, 1883.

Approved June 7, 1883.

[No. 327.]

AN ACT to amend sections three, four, five, seven, eight, twenty-six, forty-two, forty-seven, forty-nine, fifty, fifty-one, fifty-seven, sixty, sixty-one, sixty-four, seventy, nine-four, ninety-eight, one hundred and six, one hundred and seven, one hundred and twenty, one hundred and twenty, one hundred and thirty-six, one hundred and thirty-seven, one hundred and forty-nine, one hundred and fifty-two, one hundred and fifty-eight, and one hundred and fifty-nine, and to repeal sections one hundred and forty-five and one hundred and forty-eight of act number two hundred and ninety-eight of the session laws of eighteen hundred and seventy-five, entitled "An act to revise and amend the charter of the city of Muskegon," being amendatory of an act entitled "An act to revise and amend an act entitled an act to incorporate the city of Muskegon," approved March twenty-nine, eighteen hundred and seventy-one, as amended by act number three hundred and eighty of the session laws of eighteen hundred and seventy-nine, entitled "An act to amend sections eight, eleven, twelve, thirteen, twenty-three, twenty-six, thirty, thirty-five, thirty-nine, forty-two, forty-three, forty-five, forty-nine, fifty-seven, sixty-four, sixty-six, one hundred and nineteen, one hundred and fifty-eight, and one hundred and fifty-nine of act number two hundred and ninety-eight of the session laws of eighteen hundred and seventy-five," entitled "An act to revise and amend the charter of the city of Muskegon," and to add a new section thereto, to stand as section number one hundred and sixty-five.

Sections
amended,
repealed, and
added.

SECTION 1. *The People of the State of Michigan enact,* That sections three, four, five, seven, eight, twenty-six, forty-two, forty-seven, forty-nine, fifty, fifty-one, fifty-seven, sixty, sixty-one, sixty-four, seventy, ninety-four, ninety-eight, one hundred and six, one hundred and seven, one hundred and twenty, one hundred and twenty, one hundred and thirty-six, one hundred and thirty-seven, one hundred and forty-nine, one hundred and fifty-two, one hundred and fifty-eight, and one hundred and fifty-nine of act number two hundred and ninety-eight of the session laws of eighteen hundred and seventy-five, entitled "An act to revise and amend the charter of the city of Muskegon," being amendatory of an act entitled "An act to revise and amend an act entitled an act to revise and amend an act

entitled an act to incorporate the city of Muskegon," approved March twenty-nine, eighteen hundred and seventy-one, as amended by act number three hundred and eighty of the session laws of eighteen hundred and seventy-nine, entitled "An act to amend sections eight, eleven, twelve, thirteen, twenty-three, twenty-six, thirty, thirty-five, thirty-nine, forty-two, forty-three, forty-five, forty-nine, fifty-seven, sixty-four, sixty-six, one hundred and nineteen, one hundred and fifty-eight, and one hundred and fifty-nine of act number two hundred and ninety-eight of the session laws of eighteen hundred and seventy-five," entitled "An act to revise and amend the charter of the city of Muskegon," be and the same is hereby so amended that said sections shall respectively read as hereinafter set forth, and to repeal sections one hundred and forty-five and one hundred and forty-eight, and to add a new section thereto to stand as section number one hundred and sixty-five.

SEC. 2. That section three be and the same is hereby amended Section amended. so that the same shall read as follows:

SEC. 3. The said city shall be divided into four wards, as follows: Division into wards.

First ward. The first ward shall embrace all that portion of said city lying north and east of the following division line, to wit: First ward. Commencing at the south quarter post of section twenty-nine, in township number ten north, of range number sixteen west; thence north along the quarter line to the center of said section twenty-nine; thence west of the quarter line and intersection of Pine street; thence along the center of Pine street to the center of Western avenue; thence along the center of Western avenue to the center of Ryerson creek; thence along the center and in the direction of said creek to the center of Muskegon lake;

Second ward. The second ward shall embrace all that portion of Second ward. said city lying south and west of the division line above described, and north and east of the following division line, to wit: Commencing at the southwest corner of section twenty-nine, in said township, running thence north along the section line dividing section twenty-nine and thirty, to the center of Third street; thence northwesterly along the center of said street to the center of Prince street, thence along the center of said Prince street to the center of Muskegon avenue; thence southwesterly along the center of said avenue to the center of Second street; thence along the center of Second street to the northerly line of Morris street; thence easterly along said line of said street to the easterly line of block three hundred and seventy-two, as delineated on a map of said city made by Thomas Smalley in the year eighteen hundred and seventy-four; thence northwesterly along the easterly side of said block three hundred and twenty-two to the northeasterly corner of said block; thence southwesterly to the line between blocks three hundred and twenty-one and three hundred and twenty-three; thence northwesterly on said line to the center of Muskegon lake;

Third ward. The third ward shall embrace all that portion of Third ward. said city lying south and west of the division line last described, and north and east of the following division line, to wit: Commencing at the south quarter post of section thirty in said town-

ship; thence north along the quarter line to the center of seventh street; thence along the center of seventh street to the south line of Western avenue; thence northeasterly along the north line of Western avenue to the line dividing blocks three hundred and twenty-eight and three hundred and twenty-nine; thence northwesterly along said line to the center of Muskegon lake;

Fourth ward.

Fourth ward., The fourth ward shall embrace all that portion of said city lying south and west of the division line last aforesaid. Each of the said wards of said city shall be divided into two supervisor districts, which districts shall be numbered from one to eight inclusive.

First supervisor district.

The first supervisor district of said city shall embrace all that portion of said first ward lying northerly of the following division line, to wit: Commencing where the center of Pine street intersects the center of Walton street; thence northeasterly along the center of Walton street to the center of Ryerson creek; thence southeasterly along the center of Ryerson creek to the easterly limits of said city.

Second.

The second supervisor district of said city shall embrace all that portion of said first ward lying south of the division line last above described. The third supervisor district of said city shall embrace all that portion of said

Third.

second ward lying north of the following division line, to wit: Commencing where the center of Myrtle street intersects the center of Pine street; thence southwesterly along the center of said Myrtle street to the point where said center of said Myrtle street intersects the center of Park and Terrace streets; thence westerly along the center of Park street to the center of Muskegon avenue; thence southwesterly along the center of Muskegon avenue to the intersection of said center of said Muskegon avenue with the westerly ward line of said second ward.

Fourth.

The fourth supervisor district of said city shall embrace all that portion of said second ward lying south and east of the division line last above described. The fifth supervisor district of said city shall embrace all that portion of said

Fifth.

third ward lying north and west of the following division line, to wit: Commencing in the center of Houston avenue, where said Houston avenue intersects the easterly ward line of said third ward; thence southwest along the center of said Houston avenue to a point where said center of said Houston avenue intersects the southwesterly division line of said third ward.

Sixth.

The sixth supervisor district of said city shall embrace all that portion of said third ward lying south and east of the division line last above described. The seventh supervisor district of said city shall embrace all that portion of said

Seventh.

fourth ward lying east of the following division line, to wit: Commencing at the center of Henry street where said Henry street intersects the south line of the city of Muskegon, and thence running northerly along the center of Henry street to the end of Henry street; thence in the same direction to the center of Muskegon lake. The eighth supervisor district of said city shall embrace all that portion of said fourth ward lying west of the division line last above described.

Section amended.

SEC. 3. That section four be and the same is hereby amended so that the same shall read as follows:

SEC. 4. The annual elections under this act shall be held on the first Monday in April in the year eighteen hundred and eighty-four and each year thereafter at such places in the several supervisor districts as the common council may designate. Notice thereof shall be given by the recorder at least ten days before the election by posting the same in three public places in each supervisor district. One alderman of each ward, who shall be designated by the common council, and the supervisor of the respective supervisor districts shall be inspectors of such election and of the city and county election, and shall choose clerks thereof; and in case of the absence of one or more such inspectors the electors may choose *viva voce* from their number one or more competent persons who shall be an elector of the supervisor district, to fill such vacancy or vacancies, to whom shall be administered the constitutional oath by either of said inspectors or by any justice of the peace. The manner of conducting all elections and canvassing votes and qualifications of electors in the several supervisor districts shall be the same as that of townships, the words "supervisor district," instead of "township" being used in the oath to be administered to an elector in case his vote be challenged: *Provided*, That at such charter election the said inspectors of each supervisor district shall make one certificate of the number of votes given for each person for the several offices to be filled in and for said city, and also one certificate of the number of votes cast for the several ward officers, and also one certificate of the election of the person elected as a supervisor for such district, which certificates shall be immediately filed in the office of the recorder of said city, and upon the Thursday next following the day of such election the common council shall meet at the common council chambers and thereupon determine who, by the greatest number of votes given in the several supervisor districts at such election are duly elected to fill their respective offices. And it shall be the duty of said recorder, immediately after such determination, to cause notice to be given to each of the persons so elected of his election, and each of said officers so elected and notified shall, within ten days after such election but not afterwards, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to the said recorder, who shall file the same in his office: *Provided*, That in case of the election of one or more justices of the peace the said recorder shall make a certificate thereof and cause it to be delivered to the county clerk of Muskegon county in the same manner as is required of township clerks; and in case two or more persons shall receive for the same office an equal number and not a plurality of votes given at such election, the common council shall immediately proceed to determine by lot between the persons receiving the highest number of votes, who shall be declared elected to such office.

SEC. 4. That section five be and the same is hereby amended so that the same shall read as follows:

SEC. 5. The ballots to be used in the election provided for in this act shall, in addition to the requirements of law in relation to the

Annual elec-
tions.

Notice of

Inspectors of
election.

Manner of con-
ducting elec-
tions.

Provided as to
certificates.

Recorder to give
notice to per-
sons elected.

Provided in ref-
erence to elec-
tion of justices.

Tie vote.

Section 50
amended.

What ballots to
designate.

ballots used at township elections, and not inconsistent with the provisions of this act, also designate the name of the person or persons to be voted for for city officers, and the name of the person or persons to be voted for for ward officers, and the name of the person or persons to be voted for for supervisor district officer.

Section amended.

SEC. 5. That section seven be and the same is hereby amended so that the same shall read as follows:

Special elections to fill vacancies in offices.

SEC. 7. Whenever a vacancy shall occur in the office of mayor, recorder, assessor, or alderman six months prior to the first Monday in April in any year, a special election shall be held to fill such vacancy; and if a vacancy shall occur in any such office more than three months and less than six months prior to the first Monday in April in any year, a special election may be ordered by the common council to fill such vacancy. And whenever such special election shall be held the common council shall cause to be delivered to the inspectors of election in each supervisor district, who shall be authorized to cast votes for the filling of such vacancy, a notice, signed by the recorder or acting recorder, specifying the officer to be chosen, and the day and place at which such special election will be held, not more than ten and not less than five days prior to the time of holding of such election, and within the same time shall cause notice of such election to be printed at least once in each daily and weekly newspaper printed in said city, and the proceedings at such special election shall be the same as at the annual city election.

Section amended.

SEC. 6. That section eight be and the same is hereby amended so that the same shall read as follows:

City officers.

SEC. 8. The officers of said city shall be one mayor, one treasurer, one recorder, who shall be *ex officio* school inspector, one school inspector, one assessor, two directors of the poor, and four justices of the peace, who shall be designated "city officers;" also two aldermen and one constable in each ward, who shall be designated "ward officers;" also one supervisor in each supervisor district, who shall be designated "supervisor district officers." Said officers

Ward officers, etc.

shall be elected as follows, to wit: The mayor, treasurer, supervisors, school inspectors, and constables shall be elected annually, and shall hold their offices one year and until their successors shall be elected and qualified. The recorder, assessor, directors of the poor, and aldermen shall hold their respective offices for two years and until their successors shall be elected and qualified. At each annual election there shall be elected one justice of the peace for the term of four years, and such a number of justices of the peace as may be necessary to fill the vacancies then existing. At each annual election there shall be elected in and for the several supervisor districts of said city one supervisor, who shall hold his office for the term of one year and until his successor shall be elected and qualified, and one alderman in each ward, who shall hold his office for the term of two years and until his successor shall be elected and qualified:

Election of officers, terms of office, etc.

Provided, That no person elected to fill a vacancy shall hold any office provided for in this act for a longer time than during such unexpired term unless again elected: *Provided*, That

Previo.

the officer elected or appointed in pursuance of an act of which ~~Proviso.~~ this act is amendatory, shall hold their respective offices until the expiration of their several terms unless such offices shall otherwise become vacant ; and the ward officers and supervisor district officers shall hold their respective offices until the expiration of their respective terms.

SEC. 7. That section twenty-six be and the same is hereby amended ^{Section amended.} so that the same shall read as follows:

SEC. 26. The officers of said corporation shall be entitled to receive out of the city treasury the following sums in full payment ^{Salaries, compensation, and fees of officers.} of their services : The mayor shall be entitled to receive an annual salary of five hundred dollars ; the recorder and attorney shall receive respectively such sums as the common council may allow, not exceeding one thousand dollars per annum ; the assessor shall receive such sum as the common council may allow, not exceeding one thousand two hundred dollars per annum ; the marshal shall receive the same fees for service of process in behalf of the corporation as constables are allowed for similar services, and he shall also receive such further compensation as the common council shall allow ; the treasurer, supervisors, justices of the peace, marshal, and constables shall be allowed the same fees as are by law allowed to corresponding officers, unless in this act otherwise provided ; the [street] commissioner shall receive a per diem allowance to be determined by the common council, but in no case to exceed three dollars per day for his services, and at the same rate for parts of days actually employed ; the directors of the poor shall receive such sum as the common council shall allow, not exceeding thirty dollars per month each ; the school inspectors shall receive such compensation as the common council shall allow, not exceeding two dollars per day for every day actually employed in the performance of the duties of his office ; the aldermen shall not be allowed to receive more than one hundred dollars each in any year as compensation for their services ; the recorder when performing such duties as are by the general laws of this State required of township clerks, shall receive therefor the same fees as such clerks are entitled to by such general law for such services, provided such recorder shall not receive any fees or salary when acting as clerk or recorder of the proceedings of the common council or board of health, excepting the sum of one thousand dollars as herein provided. The common council shall determine the fees and salary of the commissioners, assessor, or other officers, an election or appointment of whom is provided in this act, whose fees or salary is not herein otherwise limited or provided.

SEC. 8. That section forty-two be and the same is hereby ^{Section amended.} amended so that the same shall read as follows:

SEC. 42. Between the fifteenth day of April and the first day of May of each year, or whenever a vacancy shall occur, the mayor shall nominate a suitable person to fill each of the following offices : One marshal, one street commissioner, one city attorney, one city physician, one police justice, one chief engineer of the fire department, one city surveyor, and one city harbor master ; also so many

policemen, poundmasters, inspectors of fire-wood, sealers of weights and measures, and such other officers as may be necessary to carry into effect the powers herein granted, and as the common council may from time to time direct. The common council, a quorum being present, shall thereupon proceed to act upon such nominations respectively, in the manner following: The mayor, if presiding, shall vacate the chair, and the president *pro tem* shall occupy the same; a vote shall then be taken on each of said nominations, and the person receiving the votes of a majority of the aldermen present shall thereupon be declared duly appointed; those not receiving such vote shall be declared rejected. The mayor may then submit the names of other persons to the common council to fill the vacancies thus occasioned by such rejections, whereupon the same proceedings shall be had to confirm as aforesaid, and until all of such vacancies are filled. Such officers shall hold their respective offices until the first day of May of the year next thereafter, unless such officers are removed or suspended, or unless such offices become otherwise vacant as provided in this act.

Terms of office.**Removal of
appointive
officers, etc.****Section
amended.****Powers and
duties of super-
visors.****Section
amended.****Police justice.****To give bond.****Section
amended.****Jurisdiction of
police justice.**

The mayor may suspend or remove any of the officers named in this section for good cause, and upon filing a statement of his reason or reasons for so doing in the office of the recorder.

SEC. 9. That section forty-seven be and the same is hereby amended so that the same shall read as follows:

SEC. 47. The several supervisors of said city shall have the same powers and authority, and shall perform the same duties as the supervisors of townships, except the assessing of property and spreading the [of] taxes. They shall be members of the board of supervisors of Muskegon county, and they shall perform, as supervisors, such duties as by this act shall be required of them.

SEC. 10. That section forty-nine be and the same is hereby amended so that the same shall read as follows:

SEC. 49. The mayor of said city shall nominate as hereinbefore provided any one of the justices of the peace of said city, whose term of office will not that year expire, as police justice. Before he shall enter upon the discharge of his duties as such police justice, he shall give a bond to the city of Muskegon in such sum as the common council may direct, with one or more sufficient sureties, to be approved by the mayor, conditioned for the faithful performance of the duties of his office, and to account for and pay over to the treasurer of said city, all moneys which shall come into his hands as such police justice, belonging to said city, at the expiration of every month during the time he shall continue in office, which bond shall be filed with the recorder.

SEC. 11. That section fifty be and the same is hereby amended so that the same shall read as follows:

SEC. 50. Such police justice shall, except in case of his absence or inability to act, have exclusive jurisdiction to hear, try, and determine all prosecutions for the violation of the ordinances of said city, to hear, try, and determine all actions for [the] recovery of any fine, penalty, or forfeiture for the violation of any of the ordinances of said city, and to punish offenders for the violation of any ordinance, as in said ordinance [ordinances] prescribed.

SEC. 12. That section fifty-one be and the same is hereby amended so that the same shall read as follows: Section amended.

SEC. 51. In case of the sickness of the police justice, his absence from the city, or other inability to discharge the duties of his office, or during any vacancy in said office, any justice of the peace of said city shall be competent to discharge the duties of said office. In case of sickness, etc., of police justice.

SEC. 13. That section fifty-seven be and the same is hereby amended so that the same shall read as follows: Section amended.

SEC. 57. It shall be the duty of the common council on or before the first day of October in each year to determine, by resolution, the amount necessary to be raised by tax for city purposes within said city for said year, to be denominated "the contingent fund," and also the amount necessary to be raised for the payment of the public debt of the city and the interest thereon, to be denominated "the interest fund," and within five days the recorder shall notify the assessor of said city of the amount to be levied upon the property in said city. And it is hereby made the duty of the assessor of said city to levy the amount so determined by the common council, and such other taxes as may be required by law, upon the taxable property of said city, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State, except as otherwise herein provided. Council to determine by resolution amount to be raised by tax.

SEC. 14. That section sixty be and the same is hereby amended so that the same shall read as follows: Section amended.

SEC. 60. The supervisors and assessor of said city shall constitute a board for the correction and revision of the assessment roll thereof, of which board the recorder shall be clerk, and in case of a tie vote on any question that may arise before said board, he shall have the casting vote. In case of a vacancy in the office of recorder, or his inability to attend, said board may choose some competent person to act as clerk *pro tem*. It shall be the duty of said board to meet as soon as may be after the completion of the assessment and before the fifteenth day of August in each year, at the common council room, and shall remain in session six hours each day for at least five successive days. Of each meeting the recorder shall give five days' previous notice by publication in each of the public newspapers printed in said city, and by posting said notice in three of the most public places in each ward. Said board are hereby authorized to revise, alter, and correct said assessment roll in such manner as they may determine, and for that purpose said board may add to said roll any description of property, real and personal, taxable in the city of Muskegon, on the second Monday of May, of said year, as does not appear thereon. They may strike from said roll any property not legally thereon, and may make such other alterations and corrections as may be necessary and proper in order to perfect a just and true appraisement and valuation of the real and personal property of said city, which alteration and correction may be made at the request of any person considering himself aggrieved, upon sufficient cause being shown, or at the suggestion of the members of said board: *Provided*, The aggregate valuation of the property assessed on said roll shall not Board of correction and revision.

Meetings of
Notice of meeting.

Powers of board in making revising roll.

Provided.

be increased or diminished, except so far as the change in single or individual assessments may affect the same, without the consent of two-thirds of said board. Said board may make a new roll whenever they may deem the same necessary, embracing such alterations and corrections as may have been adopted by said board at said meeting. It shall be the duty of said recorder to attach his certificate to said assessment roll, showing that the same has been duly revised and corrected, and said roll or any new roll that may have been made by the order of the board shall be and remain the assessment roll of said city for the purposes mentioned in this act.

Certificate to be attached to roll.

Section amended.

Recorder to deliver roll to treasurer.

Proviso.

Collection of taxes.

Section amended.

Common council to determine by resolution highway tax, etc.

Proviso.

Section amended.

Ordinances.

SEC. 15. That section sixty-one be and the same is hereby amended so that the same shall read as follows:

SEC. 61. The recorder shall immediately, on receipt of the tax roll of said city, deliver the same with the certificate thereto attached to the city treasurer: *Provided*, Security has been given by such city treasurer as required by law or in this act provided; and if such security shall not have been given by such city treasurer in the manner and within the time required, the common council shall immediately appoint some suitable person who shall give the required security to collect the taxes spread on such tax roll, and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes and make return of his doings thereon in the same manner, and shall have all the power and shall perform all the duties, and be subject to the same liabilities as is in this act conferred upon the city treasurer of said city, for the purpose of the collection and return and paying over of said taxes. The city treasurer or person authorized to collect taxes as herein before provided may, in his discretion, proceed to collect the personal taxes spread upon said roll at any time after the delivery to him of said roll.

SEC. 16. That section sixty-four be and the same is hereby amended so that the same shall read as follows:

SEC. 64. The common council shall, on or before the first day of August, in each year, determine the amount necessary to be raised in said city for such year, for highway purposes, not exceeding one-half of one per cent of the assessed valuation of the city, and shall provide for the levying, assessing, collecting, and expending the same in the same manner as provided in and by the general laws relating to townships of this State, and may expend the same for the paving and improving of such streets in said city as said common council may direct: *Provided*, That the common council may provide that such highway tax may be collected at the same time and in the same manner as the State and county taxes are collected.

SEC. 17. That section seventy be and the same is hereby amended so that the same shall read as follows:

SEC. 70. Every ordinance shall be written out in a plain and legible manner without erasure or interlineation before the same shall be passed by the common council, but no ordinance shall be adopted by the common council at the same meeting at which it is proposed, and after any ordinance is adopted by the common council it shall

forthwith be presented to the mayor or acting mayor for his approval. If approved by him he shall sign such ordinance; if he does not approve of the same it shall not become operative until it shall again be submitted to said common council and receive the affirmative vote of two-thirds of all the aldermen elect.

SEC. 18. That section ninety-four be and the same is hereby ^{Section} amended so that the same shall read as follows: ^{amended.}

SEC. 94. The common council shall constitute the board of health ^{Board of health.} of said city and may employ a physician, to be known as "the city physician."

SEC. 19. That section ninety-eight be and the same is hereby ^{Section} amended so that the same shall read as follows: ^{amended.}

SEC. 98. The chief engineer of the fire department shall be subject to the direction of the common council and shall have the supervision and direction of the department and the care and management of the engines, apparatus, and property, subject to such rules and regulations as the common council may prescribe, and the common council may appoint, on the nomination of the chief engineer, such assistant engineers and other officers of said department as may be necessary. ^{Chief engineer, powers and duties of.}

SEC. 20. That section one hundred and six be and the same is hereby ^{Section} amended so that the same shall read as follows: ^{amended.}

SEC. 106. The common council shall have power to grade, pave, ^{Grading, etc.} plank, curb, or otherwise improve and repair the streets, avenues, ^{of streets.} and alleys of said city. Such part of the expense of any such improvement as the common council may determine may be paid ^{Expense of, how paid.} from the general highway fund of the city, or the whole or such part of the expense of such improvement as the common council shall determine may be defrayed by special assessment upon lots and premises included in a special assessment district to be constituted of lots and premises fronting on or adjoining that part of the street or alley so improved or proposed to be, or constituted of lots or parts of lots fronting on or adjoining said improvement, and on such lots or parts of lots as in the opinion of the common council may be benefited by the improvement.

SEC. 21. That section one hundred and seven be and the same is hereby ^{Section} amended so that the same shall read as follows: ^{amended.}

SEC. 107. The expense of making any public improvement at any interior square or space formed by the intersection of streets or alleys, and also the expense of making any such public improvements in front of any property belonging to the city, shall be paid ^{Expense of certain improvements to be paid out of highway fund.} out of the highway fund of the city.

SEC. 22. That section one hundred and twenty be and the same is hereby ^{Section} amended so that the same shall read as follows: ^{amended.}

SEC. 120. Whenever the common council shall deem it necessary to make any public improvement requiring the taking or using of private property not acquired by purchase, they shall so declare by resolution, describing the proposed improvement, and each parcel of land designated [designed] to be taken, giving the names of the owners or persons interested therein so far as known, and shall in the same resolution designate the justice of the peace of said city, to whom the application will be made, at a time therein to be stated, ^{Council to determine by resolution necessary of taking private property for public use, etc.}

and not less than thirty days from the date of said resolution, for the empaneling of a jury to ascertain the necessity of making said improvement, the necessity of using or taking private property for the making of said improvement, and the just compensation to be made therefor.

Section amended.

When expense of public improvement to be paid by special assessment.

SEC. 23. That section one hundred and thirty-six be and the same is hereby amended so that the same shall read as follows:

SEC. 136. Whenever the common council shall determine to make any necessary public improvement or repairs, and defray the whole or any part of the expense thereof by special assessment, they shall so declare by resolution, stating the improvement and what part or portion of the expense thereof shall be paid by special assessment, and what, if any, shall be paid from the highway fund of the city, and they shall also designate the district of lands and premises upon which the special assessment shall be levied.

Section amended.

Estimates, etc., to be made and filed when expense of improvement defrayed by special assessment.

SEC. 24. That section one hundred and thirty-seven be and the same is hereby amended so that the same shall read as follows:

SEC. 137. Before ordering any public improvement or repairs, any part of the expense of which is to be defrayed by special assessment, the common council shall cause estimates of the expense thereof to be made and filed with the recorder, and they shall give notice thereof, and of the proposed improvement or work, and of the district to be assessed therefor, by publication in one of the newspapers of said city, for at least two successive weeks, and of the time when the common council will meet and consider any objections thereto. If the owners of a majority of the property to be assessed shall appear and object thereto, no such improvement shall be made, unless the common council shall, by a vote of at least three-fourths of the aldermen elect, order such improvement to be made. The cost and expense of any improvement shall include the cost of surveys, plans, assessments, and cost of construction. All special assessments to defray the estimated cost of any improvement shall be levied before the making of such improvement.

Sections repealed.

Section amended.

Special assessment roll.

SEC. 25. That sections one hundred and forty-five and one hundred and forty-eight be and the same are hereby repealed.

SEC. 26. That section one hundred and forty-nine be and the same is hereby amended so that the same shall read as follows:

SEC. 149. Whenever any special assessment shall be confirmed, and be payable, the common council shall direct the assessment so made in the special assessment roll to be collected directly therefrom. And thereupon the mayor shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city marshal to collect from each of the persons assessed in said roll the amount of money assessed and set opposite his name therein, and in case any person named in said roll, shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress of some of the goods and chattels of such person; and that he pay the money so collected into the city treasury, and return said roll and warrant, together with his doings thereon, in sixty days from the date of such warrant.

SEC. 27. That section one hundred and fifty two be and the same is hereby amended so that the same shall read as follows:

SEC. 152. Such warrant may be renewed from time to time by the recorder, if the common council shall so direct, and to such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city marshal shall perform the same duties, and make the like returns as above provided. In case any assessment shall be officially returned by the said marshal as unpaid, as aforesaid, the same may be certified to the assessor of said city, and shall then be re-assessed with interest included, at the rate of ten per cent per annum, in the next tax roll, and shall be collected and paid in all respects as other taxes are collected and paid; or such premises may be sold to pay such demand in the manner hereinafter set forth.

SEC. 28. That section one hundred and fifty-eight be and the same is hereby amended so that the same shall read as follows:

SEC. 158. The common council shall, before the first day of April of each year, make out a detailed statement of all the receipts and expenditures of the corporation for the year then closing, and it shall also specify the appropriations made by the common council during the year, and the particular purposes for which each appropriation was made. Such statement shall be signed by the mayor and recorder, and filed in the recorder's office, and a copy thereof shall be published on or before the first day of April in two newspapers printed in said city.

SEC. 29. That section one hundred and fifty-nine be and the same is hereby amended so that the same shall read as follows:

SEC. 159. That one of the aldermen of each ward be designated by the common council and the supervisor of the district, to constitute a board of registration for said districts respectively. In case any alderman or supervisor may be absent or unable to attend any meeting of the board of registration, the other member of said board may choose a competent elector of said ward to act as a member of said board. The time of the day the board shall be in session, the mode of proceeding at said meeting, all laws relating to the registration of electors, the use of such register when completed, and not inconsistent with the provisions of this act, are hereby declared to be in full force and effect, in relation to the proceedings at the meetings of said board. It shall be the duty of the common council to provide for the registration of the voters of the city of Muskegon, on the Saturday next previous to the first Monday in April in the year eighteen hundred and eighty-four, and on the same day of each fourth year thereafter. For this purpose the common council shall provide a new registration book for each of the supervisor districts of said city, and shall give the necessary notice of such new registration at the time and manner as [required] by law in other cases, and shall make in each of said supervisor districts a new and complete registration of the voters of said supervisor districts respectively on said day, and on the same day of each fourth year thereafter. And no person shall be allowed to vote at the election or elections succeeding said new registration,

Section
amended.

Renewal of
warrant.

When assess-
ment returned
unpaid, to be re-
assessed in next
tax roll.

Section
amended.

Annual state-
ment of council.

Statement to be
filed and
recorded.

Section
amended.

Board of regis-
tration.

Proceedings of
board.

When registra-
tion to be made.

Books for,
notice of, etc.

No person to
vote unless
registered.

Proviso.

unless the name of such voter shall be found on the new registration book of the particular district, excepting in cases of sickness or other inability of such voter to be present, as provided by the general laws in this State: *Provided*, That the common council shall designate some suitable person who shall be an elector of the supervisor district, to act with the alderman designated as aforesaid, as a member of the board of registration and inspectors of election for said supervisor districts respectively, for the year eighteen hundred and eighty-four.

Section added.

SEC. 30. That a new section be and the same is hereby added to said act and numbered one hundred and sixty-five, which section shall read as follows:

Powers and duties of assessor.

SEC. 165. The assessor of said city shall have the same powers and authority and shall perform the same duties as are granted to and imposed upon the supervisors of townships in this State with reference to assessment of property and levying of taxes and not inconsistent with the provisions of this act. He shall be a member of the board of review and shall have a vote on all questions arising before said board, and shall be a member of the board of supervisors for the county of Muskegon, and shall exercise the same privileges and perform the same duties as any other member of said board may have or exercise. Said assessor shall commence the assessment of property on or before the fifteenth day of April and shall complete the same on or before the first day of August in each year.

This act is ordered to take immediate effect.

Approved June 8, 1883.

[No. 328.]

AN ACT to authorize the city of Saginaw and the townships of Saginaw, Thomastown, Swan Creek, Lakefield, Fremont, Jonesfield, Tittabawassee, and Richland, in the county of Saginaw, to purchase or build and maintain a bridge across the Tittabawassee river in said county.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to authorize the county of Saginaw to purchase and maintain certain bridges across the Saginaw river," approved May twenty, eighteen hundred and eighty-one, be amended so as to read as follows:

Bridge authorized.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the city of Saginaw, the township of Saginaw, Thomastown, Swan Creek, Fremont, Lakefield, Jonesfield, Tittabawassee, and Richland, in Saginaw county, to buy or build and maintain a bridge across the Tittabawassee river at any point on or south of the north line of section twenty-four, of town twelve north, of range three east, in Saginaw county.

Appraisal, value, etc., of bridge.

SEC. 2. The price to be paid for any bridge purchased shall not exceed such sum as shall be fixed at its actual value by an appraisal by three commissioners, to be appointed by the judge of

probate for the county of Saginaw, and the said judge of probate is hereby authorized to appoint such commissioners, and in said appraisal no allowance whatever shall be made for value of franchise. Said commissioners shall be appointed on the application of the mayor of the city of Saginaw, or any one of the supervisors of the several townships named in section one of this act, who shall give at least five days' notice of the time and place of hearing of such application to the supervisors of the several townships named in section one of this act, and to the mayor of the city of Saginaw.

SEC. 3. The commissioners so appointed, as specified in section two of this act, shall be known as special bridge commissioners, and shall be appointed one for one year, one for two years, and one for three years, and each shall hold his office until his successor is appointed, unless removed according to law, and each shall give bonds in the sum of one thousand dollars for the faithful performance of his duty as such commissioner, and their compensation shall be at the rate of two dollars per day each for each day actually spent as such commissioner; and the said commissioners shall have power, and it shall be their duty, to determine and apportion the amount that the city of Saginaw, and each of the several townships named in section one of this act shall pay for the purpose of buying or building and maintaining such bridge. Said amount shall be in proportion to the benefits that each township and said city may derive from the purchase or building and maintaining of said bridge.

SEC. 4. The bridge bought or built as aforesaid shall be and remain a free bridge, and shall be managed and controlled by the special bridge commissioners named in section two of this act.

SEC. 5. To provide means to buy or build and maintain such bridge as shall be bought or built, the common council of the city of Saginaw is authorized to raise by tax upon the taxable property of said city the amount that shall be apportioned to said city by the said commissioners, or the common council may issue the bonds of said city to pay the same, and each of the several township boards of the several townships named in section one of this act is authorized to raise by tax upon the taxable property of their respective townships the amount that shall be apportioned to their several townships, for the purpose aforesaid, or the township boards of the said several townships may issue the bonds of their respective townships, for the purpose aforesaid. Said bonds if issued shall bear a rate of interest payable annually not greater than seven per cent, and payable at a period to be fixed by the common council of said city and the township boards of the several townships aforesaid, not greater than twenty years, and such bonds shall be disposed of for not less than their par value in payment of such bridge or to raise the money to pay for such bridge. In case the common council of the city of Saginaw, or the township board of any of the townships named in section one of this act, shall neglect or refuse to provide means to the amount that shall be apportioned to their respective townships or to the city, then in

Bridge commissioners, their duties, compensation, etc.

Bridge to be free, etc.

Means to build, to be raised by tax, or bonds, etc.

Bonds.

In case of neglect, to provide means.

that case it shall be lawful for the board of supervisors of Saginaw county to authorize the controller of the city of Saginaw and the supervisors of any township so neglecting or refusing to provide such amount, to spread such amount in their respective assessment rolls as though the same had been ordered by the common council of said city, or by the township board of the township so neglecting or refusing. In case such commissioners are unable to purchase any bridge which they are authorized to purchase by this act, then it shall be their duty to proceed and build a bridge across the said river, at a point to be selected by themselves, within the limits fixed by this act, as soon as practicable after the said several townships and said city shall have provided the money to pay therefor.

Bridge to be built in case of failure to purchase.

This act is ordered to take immediate effect.

Approved June 8, 1883.

[No. 329.]

AN ACT to amend section one of article one, section four of article eight, section one of article twenty-three, and section one of article twenty-six, of an act entitled "An act to incorporate the village of Zeeland, in the county of Ottawa, Michigan," approved April the tenth, eighteen hundred and seventy-five.

Sections amended.

SECTION 1. *The People of the State of Michigan enact,* That section one of article one, section four of article eight, section one of article twenty-three, and section one of article twenty-six, of an act entitled "An act to incorporate the village of Zeeland, in the county of Ottawa, Michigan," approved April the tenth, eighteen hundred and seventy-five, be and the same are hereby amended so as to read as follows:

ARTICLE I.

Territory incorporated.

SECTION 1. That so much of the township of Zeeland, in the county of Ottawa, and State of Michigan, as is embraced in the following described lands, to wit: All of the north half of the northwest quarter of section nineteen (19), also all of that part of the northwest quarter of the northeast quarter of section nineteen (19), which is further described as beginning at the north quarter post of said section nineteen (19), runs thence east forty-four feet, more or less, thence south parallel to the north and south quarter line of said section nineteen (19) to the south line of said northwest quarter of northeast quarter, thence west along said south line to the south and north quarter line of said section nineteen (19), thence north along said quarter line to the place of beginning. Also all that part of the south half of the southwest quarter of section eighteen (18), which lies on the southerly side of the Chicago and West Michigan railroad, said sections eighteen (18), and nineteen (19), lying in township five (5) north, of range fourteen (14) west, also so much of the township of Holland, in said county of

Ottawa, as is embraced in the following described lands, to wit: All of the north half of the northeast quarter of the northeast quarter of the northeast quarter of section twenty-four (24), and all of the east half of the southeast quarter of the southeast quarter of section thirteen (13), lying south of the Chicago and West Michigan railroad, said sections twenty-four (24) and thirteen (13) lying in town five (5) north, of range fifteen (15) west, is hereby constituted a village corporate, known and designated as the "village of Zeeland."

ARTICLE VIII.

SECTION 4. The marshal shall at all times be subject to the ^{Duties of mar-} supervision and control of the president and trustees, and shall, ^{shal.} whenever directed by the board of trustees, make complaint in writing and on oath before any justice of the peace for the county of Ottawa for any violation of the by-laws, regulations, or ordinances of said village, passed by virtue of the provisions of this act.

ARTICLE XXIII.

SECTION 1. The said village shall be exempt from the superin- ^{Highway labor.} tendence and control of the commissioners of highways of the townships of Zeeland and Holland, and it shall not be lawful for the supervisors of said townships to levy or assess any highway taxes upon the taxable property of said village, nor shall the inhabitants thereof be liable to perform any highway labor, excepting such as is ordered by the board of trustees of said village.

ARTICLE XXVI.

SECTION 1. Any justice of the peace of the county of Ottawa is hereby authorized and empowered to enquire of, hear, and try and determine in a summary manner all the offenses which shall be committed within the limits of said village against any of the by-laws, ordinances, or regulations that shall be made, ordained, or established by the board of trustees in pursuance of the powers granted to them by this act, and to punish the offenders as the by-laws, ordinances, or regulations shall prescribe or direct: *Pro-
vided always,* That any person on a charge of violating any of the by-laws, ordinances, or regulations as aforesaid may demand and have a trial by jury, and may appeal to the circuit court for the county of Ottawa.

This act is ordered to take immediate effect.

Approved June 8, 1883.

[No. 330.]

AN ACT to amend section thirty-seven of act number two hundred and fifty-six of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the village of L'Anse, in the county of Houghton," approved April eighteen, eighteen hundred and seventy-three.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section thirty-seven of act number two hundred and fifty-six of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the village of L'Anse, in the county of Houghton," approved April eighteen, eighteen hundred and seventy-three, be and the same is hereby amended so as to read as follows:

General powers of council.

SEC. 37. The common council shall prescribe the rules for its proceedings. The common council, in addition to the powers and duties specially conferred on them in this act, shall have the management, control, and supervision of the highways, streets, bridges, lanes, alleys, parks, and public grounds in said village; of the finances, rights, and interests, buildings, and all property, real and personal, belonging to the village, and may make such ordinances and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power within said village to enact, ordain, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations, as they may deem desirable and proper, within said village, in relation to and for the following purposes:

To prevent vice, etc. *First,* To prevent vice and immorality, to preserve public peace and good order, to prevent and quell riots, disturbances, and disorderly assemblages, to restrain, apprehend, and punish vagrants, mendicants, drunkards, and all disorderly persons, to punish lewd and lascivious behavior in the streets or other public places;

Disorderly houses, gaming, etc. *Second,* To suppress and restrain all disorderly houses, saloons, and houses of ill-fame, all gambling houses, and all houses and places where persons resort for gambling, or to play at games of chance, and to punish the keepers thereof, to prevent every species of gaming, and to restrain or suppress billiard tables and bowling alleys;

Spirituos liquors. *Third,* To prevent the selling or giving away any spirituous or fermented liquors;

Auctions. *Fourth,* To prohibit or license and to regulate the sale of all goods, wares, and personal property at auction, except in cases [case] of sales authorized by law by public officers;

Auctioneers, peddlers. *Fifth,* To license and regulate auctioneers, peddlers, and pawn-brokers, and auctions, and hawking, and peddling, and sale of goods, jewelry, merchandise, or other property, by hand, and hand-car, or show case;

Sports, shows, etc. *Sixth,* To prohibit, restrain, license, and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money, and to charge such sum therefor as they by ordinance or by-law provide;

Seventh, To prevent the violation of the Sabbath, and to require

all saloons, drinking houses, shops, and other places of business to Sabbath. be closed on the Sabbath day, and at reasonable hours of night on week days, to be determined by the common council;

Eighth, To prohibit, prevent, abate, and remove all nuisances in ^{Nuisances.} said village, and punish the persons occasioning the same, and to declare what shall be considered nuisances, and direct and authorize their speedy removal or abatement by the marshal of the village at the expense of the persons creating the same;

Ninth, To compel the owner or occupant of any grocery, tallow ^{Offensive or unwholesome places.} chandler shop, soap or candle factory, butcher shop or stall, slaughter-house, fish house, stable, barn, cellar, privy, yard, hog pen, manure pile, sewer, or other offensive, nauseous, or unwholesome place, house, or thing, to cleanse, remove, or abate the same whenever the common council shall deem it necessary for the health, comfort, and convenience of the inhabitants of said village;

Tenth, To direct the location and regulation of all slaughter-^{Slaughter houses.} houses in said village, and to prohibit their location in said village;

Eleventh, To regulate, restrain, and prohibit the location of shops ^{Location of shops, etc.} and carrying on of mechanical and other trades and vocations which the common council may deem dangerous or injurious, in such places and parts of said village as the common council may designate;

Twelfth, To regulate and prohibit the landing, storing, or trans-^{Combustibles.} porting through the village limits of nitro-glycerine, dualin, dynamite, giant-powder, or any other high explosives in the harbor or within the village limits, and to regulate the buying and selling and using of nitro-glycerine, dualin, dynamite, giant-powder, gunpowder, fire-crackers, and fire-works, and all other combustible materials; to regulate and prohibit the exhibition [exhibitions] of fire-works, and the discharge of fire-crackers, and fire-arms, and to restrain the making or lighting of fires [fire] in the streets and other places in said village;

Thirteenth, To prevent the incumbering or obstruction of ^{Obstruction, etc., of streets, sidewalks, etc.} streets, sidewalks, crosswalks, lanes, alleys, gutters, sewers, water-courses, bridges, and public grounds, in any manner whatever, and to compel the occupants of lots to clear the sidewalk in front of and adjacent thereto, of snow, ice, dirt, and every incumbrance and obstruction;

Fourteenth, To regulate and require the setting and securing of shade trees, ^{Shade trees, hitching posts, etc.} in the streets of said village, to authorize, prohibit, and regulate the setting of hitching posts in the streets, lanes, and alleys of said village, and to cause the same to be taken up and removed, to authorize, prohibit, and regulate the building and placing of awnings, sign boards, and other things, the whole or any part of which occupy or project within the limits of any street, lane, or alley of said village, and to prescribe in what manner, and of what materials the same shall be constructed, and to compel the removal of the same;

Fifteenth, To provide against horse racing and immoderate riding or driving in any street, or over any bridge, and to punish for the same, and to authorize the arrest and the detention of any person who shall be guilty of immoderate riding or driving; ^{Horse racing and immoderate driving, etc.}

- Engines and cars.** *Sixteenth*, To regulate the speed of locomotives, engines, and cars upon the railroads within said village;
- Bathing.** *Seventeenth*, To regulate and prohibit bathing in the public waters within said village, or in L'Anse bay, within one mile from said village limits;
- Pounds, etc.** *Eighteenth*, To establish one or more pounds, and to regulate and to restrain the running at large of cattle, swine, horses, mules, sheep, and other animals, and geese or other poultry in the streets and public places of said village, and to authorize the taking up, impounding, or sale of the same for the penalty incurred in the costs of keeping and impounding, and to punish for rescuing the same before all costs and charges are paid;
- Ringing of bells.** *Nineteenth*, To regulate the ringing of bells, and the crying of goods, and to prevent disturbing noises, and obscene and profane language in the streets;
- Lighting of streets, etc.** *Twentieth*, To provide for the lighting of the streets and alleys, and the protection of the public lamps;
- Dogs.** *Twenty-first*, To impose taxes on the owners or keepers of dogs, and to prohibit the running at large of dogs, and to authorize their destruction whenever running at large, in violation of any ordinance of said village;
- Burial places.** *Twenty-second*, To provide burial places, and to regulate and prohibit the burial of the dead within said village, and to protect and preserve the monuments, tomb-stones, trees, shrubbery, property, ornaments, improvements, grounds, and fences in and around any cemetery in said village;
- Erection of buildings.** *Twenty-third*, To regulate and establish the line upon which buildings may be erected upon the lots upon any street, lane, or alley, in said village, and to compel such buildings to be erected upon such line by fine upon the owners thereof, not exceeding five hundred dollars for each offense;
- Markets.** *Twenty-fourth*, To establish, order and regulate markets, to regulate the vending of meats, vegetables, fruits, fish, and provisions of all kinds, to regulate the sale of hay, wood, lime, lumber, and coal, and to designate the stand or stands for wood, hay, and produce exposed for sale in said village;
- Drays, hacks, etc.** *Twenty-fifth*, To license all drays and omnibuses, hacks, and other vehicles used for the transportation of persons and property for hire, and to prohibit their use without license, and to designate the stand for such vehicle, and to preserve the rates of fare and charges for the same;
- Saloons, taverns, etc.** *Twenty-sixth*, To license persons to engage in and exercise the business or occupation of tavern-keeper, inn-keeper, common victualer, and saloon-keeper, and to impose such fees for such license as the common council may see fit, and to impose penalties upon all persons engaged in such occupation or business without such license: *Provided*, That the above shall be in no wise construed to license the sale of spirituous liquors;
- Weights and measures.** *Twenty-seventh*, To appoint a sealer of weights and measures;
- Fire limits.** *Twenty-eighth*, To establish fire districts within which no wooden buildings shall be moved, built, or enlarged;

Twenty-ninth, To regulate and prescribe the manner of constructing party walls, chimneys, and fire-places, the putting up of stoves, stove-pipes, and other things that may be deemed dangerous in causing or promoting fire, and to make all such ordinances, by-laws, and regulations, as the common council shall deem necessary, to secure the buildings and property in said village against injuries by fire, and for the purpose of enforcing such ordinances, by-laws, and regulations, the common council may authorize and direct any one of the officers of said village to enter into and examine at all reasonable times all dwelling-houses, buildings, and tenements of every description, and all lots, yards, and enclosures, to inspect all hearths, stoves, fire-places, stove-pipes, flues, chimneys, or other conductors of smoke, and any apparatus or device in which fire may be used or to which fire may be applied, and to remove and make the same safe at the expense of the occupants or owners [owner] of the building in which the same may be; and every building or structure that shall be constructed, moved, or enlarged in violation of or contrary to any ordinance of said village, is hereby declared to be a common nuisance, and may be abated, taken down, and removed by direction of the common council at the expense of the owner or occupant or person who caused such nuisance;

Thirtieth, To prohibit the maintaining of lumber yards, the Lumber yards, keeping, piling, and storing of fire-wood, timber, lumber, or other wood, etc. easily combustible material within the limits of any fire district;

Thirty-first, To construct reservoirs wherever needed, and to Reservoirs, provide for the supplying the same with water; to build bridges, etc. construct sewers, drains, and culverts; to provide wells, to grade, gravel, pave, repair, amend, and otherwise improve the streets, lanes, alleys, and public grounds and parks in said village; to construct, repair, and renew sidewalks; to remove all encroachments from any street, lane, alley, or public ground, or place, in said village; to fill up, drain, cleanse, and regulate any grounds, yard, basins, cellars, or vaults, within said village that may be sunken, damp, foul, encumbered with rubbish or unwholesome matter, and to make such other public improvements as may conduce to the general good and prosperity of said village, or any part thereof, and generally to adopt all other ordinances and regulations that the common council may deem necessary to the safety, order, and good government of said village.

This act is ordered to take immediate effect.

Approved June 8, 1883.

[No. 331.]

AN ACT to amend sections thirty-six, thirty-nine, and sixty-six of act number two hundred and seventy-one, of the local acts of eighteen hundred and seventy-seven, entitled "An act to incorporate the city of Dowagiac," approved March twenty-fourth, eighteen hundred and seventy-seven, and sections seventeen and nineteen of said act, as amended by act number three hundred

and sixty-nine, of the local acts of eighteen hundred and eighty-one, amendatory thereof, approved May fifth, eighteen hundred and eighty-one.

Sections amended. SECTION 1. *The People of the State of Michigan enact,* That sections thirty-six, thirty-nine, and sixty-six, of act number two hundred and seventy-one, of the local acts of eighteen hundred and seventy-seven, entitled "An act to incorporate the city of Dowagiac," approved March twenty-fourth, eighteen hundred and seventy-seven, and sections seventeen and nineteen of said act as amended by act number three hundred and sixty-nine of the local acts of eighteen hundred and eighty-one, amendatory thereof, approved May fifth, eighteen hundred and eighty-one, be and the same are hereby amended so as to read as follows:

Powers and duties of mayor. SEC. 17. The mayor of said city shall be the chief executive officer thereof. It shall be his duty in addition to other requirements of this act to see that all officers of said city faithfully comply with and discharge their official duties, to see that all the laws pertaining to the municipal government of said city, and all ordinances and regulations of the common council, be faithfully observed and executed. The mayor shall be a conservator of the peace, and may execute within the city the powers conferred upon sheriffs or the marshal to suppress disorders, and shall have the authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council and suppress disorderly conduct. The mayor when present shall preside at the meetings of the common council, and in his absence the president of the council shall preside, but if both the mayor and the president of the council be absent then the common council shall appoint one of their number who shall preside; and the mayor is hereby authorized whenever he shall deem it necessary for the preservation of the peace and good order of the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergency of the case may require, but such appointments except when made in accordance with some resolution of the council shall not continue longer than three days. Such temporary policemen and all policemen appointed by the common council shall be conservators of the peace, and shall as peace officers be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. Said policemen shall also arrest upon view and with or without process any person found in the act of committing any offense against the laws of the State or the ordinances of the city, and forthwith take such person before the proper court or magistrate for trial, and may arrest and imprison persons found drunk in the streets, alleys, or any saloon, or other public place in said city, until they shall become sober.

Temporary policemen. SEC. 19. The marshal shall be the chief of police of the city; as police officer, he shall be subject to the direction of the mayor and common council. It shall be his duty to see that all ordinances and resolutions of the common council, for the preservation of quiet and good order, and for the safety and protection of the inhabi-

Marshal, his powers and duties.

tants of the city, are promptly enforced. As peace officer he shall, within said city, be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. The city marshal shall also have power to suppress all riots, disturbances, and breaches of the peace; and for that purpose may command the aid of the citizens in the performance of such duty; he shall arrest all disorderly persons in the city; he shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of this State or the ordinances of this city, and forthwith take such person or persons before the proper magistrate or court for examination or trial; and may arrest and imprison persons found drunk in the streets, alleys, or any saloon or other public place in said city, until they shall become sober; he shall also have power to serve, execute, and return all process, civil and criminal, which may be issued for the purpose of enforcing the provisions of this act or the ordinances passed by the common council shall require. Said marshal shall also have power to serve, execute, and return all criminal process, which may be issued by justices of the peace for enforcing the criminal laws of this State; and shall have the same powers and may perform the same duties in criminal cases, under the laws of this State, as constables. It shall also be the duty of such marshal to make complaint to any justice of said city or other proper officer, of any violation of the laws of this State, or ordinances of the city, or of any of the provisions of this act, within his knowledge, within the corporate limits of said city of Dowagiac. The marshal shall report in writing and on oath to ^{Monthly report of} the common council at their regular meetings in each and every month all arrests made by him, and the cause thereof; he shall serve and execute all process directed or delivered to him in all proceedings for violation or violations of ordinances of the city or the criminal laws of this State in cases cognizable by justices of the peace; such process may be served anywhere within this State; he may collect and receive the same fees for services performed by him as are allowed to constables for like services, but in no case shall such fees be charged to or paid by the city.

SEC. 36. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty may be recovered in an action of debt or assumpsit, and if it be a forfeiture of any property it may be recovered in an action of trover or other appropriate action. Such actions may be commenced by summons. All actions for violations of ordinances of the city shall be brought in the name of the city, and may in all cases, except against corporations, be commenced by warrant and the arrest of the offender. All process issued in any prosecution or proceeding for the violation of any ordinances for [of] the city shall be directed to the city marshal of Dowagiac or any constable of the county of Cass, and may be executed in any part of the State by said officers, or any other officer authorized by law to serve process issued by justices of peace. All fines and penalties ^{Actions for recovery of penalty.} ^{Actions to be brought in name of city.} ^{To whom process directed.}

Fines, penalties, etc., imposed for violations of ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had.

If any such fine or penalty shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected to the court or magistrate before whom the conviction was had. If the accused be committed, payment of said fine or penalty and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall within thirty days thereafter pay the same to said court or magistrate.

Payment of into city treasury.

Said court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury on or before the first Monday of the next month after the receipt of the same, and take the treasurer's receipt therefor, and file the same with the city recorder. Fines and penalties paid into the city treasury for violations of the ordinances of the city shall be disposed of as the council may direct. If any person who shall have received any such fine or penalty, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provisions, it shall be the duty of the council to cause suit to be commenced immediately therefor in the name of the city, and [to] prosecute the same to effect. Any person receiving any such fine or penalty, who shall willfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

Trials by jury, and appeal.

SEC. 39. In all trials before any justice of the peace under the provisions of this act of any person charged with any violation of any by-law or ordinance of the common council, the accused may demand of such court a trial by a jury of six persons, and all the proceedings for selecting and summoning such jury, and in the trial of the cause, shall be in conformity as near as may be with the mode of proceeding in similar cases before justices of the peace, except as herein otherwise provided; and in all cases the right of appeal from the justices' court to the circuit court for the county of Cass shall be allowed to the parties, which appeal shall be taken in the same time and in the same manner as provided by law for appeals from judgments rendered by justices of the peace.

Powers, authority, and exercise thereof.

SEC. 66. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings and all property, real and personal, belonging to said city, and may make such orders, by-laws, and ordinances relating to the same as they shall deem proper and necessary, and further, that they shall have power in said city to enact, make, continue, establish, modify, amend, and repeal such ordinances, by-law [by-laws], and regulations as they may deem desirable within said city for the following purposes:

To prevent vice, etc.

First, To prevent vice and immorality, to preserve public peace and good order, to organize, maintain, and regulate a police of the city, to prevent and quell riots, disturbances, and disorderly assemblages, to prevent the violation of the Sabbath, and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose;

Second, To restrain and prevent disorderly and gaming houses, and houses of ill-fame, and seize all instruments and devices used for gaming, and to prohibit all mock auctions, gaming, and fraudulent practices and devices, and to regulate and restrain billiard tables and bowling alleys ; .

Third, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks, in violation of the laws of this State, and to forbid the selling or giving away of any intoxicating and fermented liquors to any common drunkard, or to any child or minor ;

Fourth, To prohibit, restrain, regulate, and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, concerts, circuses, or other public performances and exhibitions for money ;

Fifth, To prohibit, prevent, abate, and remove all nuisances in said city, and to punish the persons [person] occasioning the same, and to declare what shall be considered nuisances, and to direct and authorize their speedy and [or] immediate abatement or removal, by the marshal of the city, at the expense of the person creating the same ;

Sixth, To direct the location of all slaughter-houses, markets, and buildings used for storing gunpowder, or other combustible or explosive substances ;

Seventh, To regulate the buying, carrying, selling, and using of gunpowder, fire-crackers, or fire-works, manufactured or prepared therefrom, and other combustible materials, and the exhibition of fire-works, and the discharge of fire-arms, and the lights in barns, stables, and other buildings, and to restrain the making of bonfires in streets and yards ;

Eighth, To prevent the incumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges, or aqueducts, drains or ditches, in any manner whatever ;

Ninth, To prevent and punish horse racing, and immoderate driving or riding in any street or over any bridge, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or over any bridge in said city ;

Tenth, To authorize any railroad in said city ; to determine and designate the route and grades of any railroads to be laid in said city, and to restrain and regulate the use and speed of locomotives, engines, and cars upon the railroads within the city ;

Eleventh, To prohibit or regulate bathing in any part of the city, or in any open or conspicuous place, or any indecent exposure of the person in the city, and to provide for the cleansing of any and all streams or waters in said city ;

Twelfth, To restrain and punish drunkards, vagrants, mendicants, street beggars, and persons soliciting alms or subscriptions for any purpose whatever ;

Thirteenth, To establish and regulate one or more pounds, to restrain and regulate the running at large of horses, cattle, swine, and other animals, geese, and poultry, and to authorize the im-

To suppress disorderly houses, etc.

To prevent sale of liquors contrary to law.

To license shows.

To abate nuisances.

To locate slaughter-houses, etc.

To regulate selling and using gunpowder.

To prevent encumbering streets, etc.

To prevent horse racing and immoderate driving, etc.

Railroads.

To prohibit and regulate public bathing.

To restrain and punish drunkards.

To establish pounds, and regulate the running at large.

- large of cattle, horses, etc.** pounding and sale of the same for the penalty incurred and the costs of keeping and impounding ;
- Dogs.** *Fourteenth,* To prevent and regulate the running at large of dogs, and to impose taxes on the owners of dogs, and to prevent dog fights in the streets ;
- To prevent depositing offensive substances within the city.** *Fifteenth,* To prohibit any person from bringing or depositing within the city any dead carcasses or other unwholesome or offensive substances ; and to require the removal or destruction thereof if any person shall have on his premises such substances or meats, putrid fish, hides, or skins of any kind, and on his default, to authorize the removal or destruction thereof as a public nuisance by some officer of the city ;
- To compel persons to clear sidewalks, etc.** *Sixteenth,* To compel all persons in such part or parts of the city as the common council may deem proper to keep sidewalks in front of premises owned or occupied by them clear from snow, ice, dirt, wood, or obstructions ;
- Ringing of bells, etc. -** *Seventeenth,* To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets ;
- Watchmen.** *Eighteenth,* To appoint and prescribe the powers and duties of watchmen, and the fines and penalties for their delinquencies ;
- Fire limits.** *Nineteenth,* To establish in any part of the city which they deem expedient, fire limits, and to restrain, regulate, and prescribe the building, rebuilding, enlarging, repairing, or placing of wooden buildings therein ; to regulate and establish the line upon which buildings may be erected upon any street, lane, or alley within said fire limits ;
- Burial grounds.** *Twentieth,* To provide for obtaining, holding, regulating, and managing burial grounds, within or without the city, when established for the benefit thereof ; to regulate the burial of the dead, and to compel the keeping and return of bills of mortality ;
- Markets, and sale of wood, hay, provisions, etc.** *Twenty-first,* To establish, order, and regulate the markets ; to regulate the vending of wood, hay, meat, vegetables, fruits, fish, and provisions of all kinds, and prescribe the time and place of selling the same, and the fees to be paid by butchers for license ; to prohibit the sale of unwholesome meat, poultry, fish, vegetables, or other articles of food or provisions ; impure, spurious, or adulterated wine, spirituous liquors or beer, or knowingly keeping or offering the same for sale : *Provided,* That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city ;
- Public wells, reservoirs, water pipes, etc.** *Twenty-second,* To establish, regulate, and preserve public reservoirs, wells, penstocks, and pumps, and to prevent the waste of water ; to authorize and empower, under such regulations, and upon such terms and conditions as they may choose, the laying of water pipes in the streets and alleys of the city, for the purpose of supplying the inhabitants of said city with water ; to grant such exclusive privileges as they may deem expedient to any company for that purpose, and to regulate the supply and use of water ;

Twenty-third, To regulate sextons and undertakers for burying the dead; cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters, and chimney sweeps and their fees and compensation; and to make such regulations for preventing auctions and sales at auction, or by any manner of public biddings or offers by the buyers or sellers [seller] after the manner of auction sales, and sales in any street, lane, alley, pen, place, or space, public building or place, from any vehicle, stand or place, peddling and sales by persons going about the city, of any goods, wares, or merchandise, pawnbrokerage, or using for hire carts, drays, hacks, or any kind of carriage or vehicle, or opening or keeping any tavern, hotel, or victualing house, saloon, or other house or place for furnishing meals, food, or drinks, or billiard tables or ball alleys without first obtaining from the common council a license therefor for licensing and regulating carts, drays, cabs, hacks, and all carriages or vehicles kept or used for hire, auctioneers, hawkers, peddlers, pawnbrokers, auctions, peddling, pawnbrokerage, taverns, hotels, victualing houses, saloons, and other houses or places for furnishing meals, food, or drink, and keepers of billiard tables and ball alleys not used for gaming: *Provided*, That no license shall be required for sales required by law to be made; *Proviso.*

Twenty-fourth, To prevent runners, stage drivers, and others, from soliciting passengers and others to travel or ride in any stage, omnibus, or upon any railroad, or to go to any hotel or otherwhere; *To prevent runners soliciting passengers.*

Twenty-fifth, To make regulations for the lighting of the streets and alleys, and the protection and safety of public lamps; *Lighting streets.*

Twenty-sixth, To provide for and regulate the numbering of the buildings upon the streets or alleys, and to compel the owners or occupants of said buildings to affix numbers on the same; *Numbering buildings.*

Twenty-seventh, To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties; and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law; *To prescribe the duties of appointed officers, and fix their compensation, etc.*

Twenty-eighth, To preserve the salubrity of the waters of the streams within the limits of the city, to fill up all low grounds, or lots, covered or partially covered with water, or to drain the same, as they may deem expedient; *Purity of waters in city.*

Twenty-ninth, To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stands for wood, hay, and produce exposed for sale in said city; *Carriage stands.*

Thirtieth, To provide for taking the census of the inhabitants of said city whenever they may see fit, and to direct and regulate the same; *Taking census.*

Thirty-first, To establish grades for streets and sidewalks, and to cause the sidewalks to be constructed in accordance with the same; *Grade of streets, etc.*

Thirty-second, To prescribe the duties of sealers of weights and measures, and the penalty for using false weights and measures, and all laws of this State in relation to the sealing of weights and *Weights and measures.*

measures shall apply to said city, except as herein otherwise provided;

**Closing places
of business on
Sunday, and
election days,
etc.**

Thirty-third, To pass ordinances for the closing of all places of business, amusement, and resort on Sunday, on days of general election, or on other days when the safety of the people may require it, from anticipated riots, or other causes affecting the safety of the people or security of their property, to order the closing of all saloons and other places of business, amusement or resort after a certain hour every night of the week, to be fixed by the common council;

**Shade trees,
posts, awnings,
signs, etc.**

Thirty-fourth, To regulate and require the setting and securing of shade trees in the streets of said city; to authorize, prohibit, and regulate the setting of hitching posts in the streets, alleys, and lanes of said city, and to cause the same to be taken up and removed; to authorize, prohibit, and regulate the building and placing of awnings, sign-boards, and other things, the whole or any part of which occupy or project within the limits of any street, lane, or alley of said city, and to prescribe in what manner and of what materials the same shall be constructed, and to compel the removal of the same;

Fire department.

Thirty-fifth, To organize and maintain a fire department, and to purchase and keep in repair fire apparatus;

Loans of money.

Thirty-sixth, To obtain loans if necessary, and give city bonds, which shall not at any time exceed five thousand dollars.

This act is ordered to take immediate effect.

Approved June 8, 1883.

[No. 332.]

AN ACT to legalize certain bonds issued by the village of Midland City for paving purposes.

Bonds legalized.

SECTION 1. The People of the State of Michigan enact, That the bonds of the village of Midland City, issued during the year eighteen hundred and eighty-two for paving Main street in said village, be and the same are hereby declared legal and valid.

This act is ordered to take immediate effect.

Approved June 8, 1883.

[No. 333.]

AN ACT to legalize a certain drain in the townships of Georgetown, Zeeland, Jamestown, and Blendon, in the county of Ottawa.

Drain legalized.

SECTION 1. The People of the State of Michigan enact, That a certain drain or ditch laid out and established in the year one thousand eight hundred and sixty-eight, and running through the townships of Georgetown, Zeeland, Jamestown, and Blendon, in the county of Ottawa, and State of Michigan, under the direction of George M. Beatie, Oliver T. Whitney, and Peter H. Chappell, drain

commissioners of said county of Ottawa, the map or plat whereof was drawn by Thomas Smalley, surveyor, but the description and record whereof was never fully entered in the office of the county clerk of said county of Ottawa, as then required by law, be and the same is hereby legalized, and that said drain, as described on said map or plat, is hereby declared to be a legal drain, and to be considered and treated as such in every respect, as fully as though said record and description as aforesaid, had been duly made, at the time and in the manner required by law.

This act is ordered to take immediate effect.

Approved June 8, 1883.

[No. 334.]

AN ACT to amend act number forty-two of the session laws of eighteen hundred and eighty-two, entitled "An act authorizing the common council of the city of Detroit, with the concurrence of the city council thereof, to make a re-assessment to defray the expense of a public improvement on Michigan avenue, a street in said city."

SECTION 1. *The People of the State of Michigan enact,* That act ^{Act amended.} number forty-two of the session laws of eighteen hundred and eighty-two, entitled "An act authorizing the common council of the city of Detroit, with the concurrence of the city council thereof, to make a re-assessment to defray the expense of a public improvement on Michigan avenue, a street in said city," be amended so as to read as follows, viz.:

WHEREAS, The common council of the city of Detroit, on or ^{Preamble and resolution.} about the twenty-seventh day of June, in the year of our Lord one thousand eight hundred and seventy-six, to provide for a public improvement on Michigan avenue, a street in said city, passed a resolution in the words and figures following:

Resolved, That Michigan avenue be and the same is hereby ordered to be re-graded and re-paved from the west curb line of Woodward avenue to the west line of the Forysth farm, and that said avenue within said limits be re-paved with cedar block pavement, fifty-four feet in width in the center, and with stone pavement six feet wide on each side, according to the specifications adopted by the common council and the estimates of the city engineer, and it is hereby declared that this action is taken under the clause of the city charter authorizing the common council to appropriate two hundred thousand dollars annually, without the petition of a majority of the property owners asking therefor;

AND WHEREAS, Said resolution was afterwards on the fifteenth day of August, eighteen hundred and seventy-six, so amended as to make the pavement all wood;

AND WHEREAS, Such proceedings were thereupon and thereafter had by said common council in respect to such improvement that on or about the twenty-fourth day of August, in the year of our

Lord one thousand eight hundred and seventy-six, the board of public works of said city, pursuant to the direction of said common council, entered into a contract with said city with Edward S. De Goyer for the performance of said work, which contract was approved by the common council August twenty-fifth, one thousand eight hundred and seventy-six;

AND WHEREAS, After the letting of said contract such further proceedings were had with respect to said improvement by said common council that for the defraying the expense thereof, an assessment was made and the assessment roll made out and returned to said common council, and by them ratified and confirmed on or about the sixth day of July, in the year of our Lord one thousand eight hundred and seventy-seven;

AND WHEREAS, The said Edward S. De Goyer performed the said contract on his part and received therefor paving bonds of the city of Detroit, none of which said bonds have been paid;

AND WHEREAS, A part only of the taxes assessed upon the real estate mentioned and described in said assessment roll have been paid, and the residue thereof remains unpaid;

AND WHEREAS, Said assessment has been declared null and void for the reason, among others, that the board of public works did not advertise the specifications of said improvement, but only referred to the specifications on file in their office in their advertisements for bids for said improvement;

AND WHEREAS, The said improvement for which the said assessment was made has been fully completed, and it is just and equitable that the expenses thereof should be paid by the owners of the real estate benefited thereby, and that the same should not be a charge upon all the taxable property of the city; now therefore

*Assessment to
pay for improve-
ment author-
ized.*

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Detroit, with the concurrence of the city council thereof, for the purpose of defraying the cost and expense of said above mentioned improvement, are hereby authorized and empowered, and it shall be their duty to determine, declare, and set forth all lots, blocks, and lands benefited thereby, and [to] cause to be reassessed upon the owners and occupants of houses and lands so benefited, such sum as the city engineer of said city may determine and certify to be the actual cost and expenses of said improvement, exclusive of interest, and also exclusive of the cost of paving street intersections, and such reassessment shall be made substantially in the manner provided for making original assessments of like nature by the existing charter of said city, so far as the same relates to proceedings to be had, subsequent to letting the contract for the performance of work on a public improvement, except as modified by this act.

*Application of
sums already
paid.*

SEC. 2. Such sums as have heretofore been paid toward [towards] said improvement, upon houses and lands included in such reassessment, shall be applied, under the direction of the common council, to the credit of the persons and property on account of which the same were paid, and in case the credit shall exceed the sum reassessed against such persons and property as herein provided for, the

council shall cause such excess to be refunded to the party who made payment thereof. All the provisions of said charter relative to the making, collection, and return of special assessments shall apply to the re-assessment hereby authorized to be made, except as herein otherwise provided.

This act is ordered to take immediate effect.

Approved June 8, 1883.

[No. 335.]

AN ACT to amend act number forty-one of the session laws of eighteen hundred and eighty-two, entitled "An act authorizing the common council of the city of Detroit, with the concurrence of the city council thereof, to make a reassessment to defray the expense of a public improvement on Jefferson avenue, a street in said city, from the west curb line of Shelby street to the east curb line of Beaubien street in said city."

SECTION 1. *The People of the State of Michigan enact,* That act Preamble and resolution. number forty-one of the session laws of eighteen hundred and eighty-two, entitled "An act authorizing the common council of the city of Detroit, with the concurrence of the city council thereof, to make a reassessment to defray the expense of a public improvement on Jefferson avenue, a street in said city, from the west curb line of Shelby street to the east [curb] line of Beaubien street in said city," be amended so as to read as follows:

WHEREAS, The common council of the city of Detroit, on or about the twenty-first day of May, in the year of our Lord one thousand eight hundred and eighty, to provide for a public improvement on Jefferson avenue, a street in said city, passed a resolution in the words and figures following:

Resolved, That Jefferson avenue be and the same is hereby ordered to be graded and paved from the west curb line of Shelby street to the east line of Beaubien street, and that said avenue within said limits be repaved with cedar block pavement, eighty feet wide, according to the specifications adopted by the common council and the estimates of the city engineer; and it is hereby declared that this action is had under that clause of the city charter authorizing the common council to appropriate two hundred thousand dollars annually, without a petition of a majority of property owners;

WHEREAS, Such proceedings were thereupon and thereafter had by said common council in respect to such improvement that on or about the thirteenth day of August, in the year of our Lord one thousand eight hundred and eighty, the board of public works of said city, pursuant to the direction of said common council, entered into a contract with said city with Eugene Robinson for the performance of said work;

AND WHEREAS, After the letting of said contract such other proceedings were had with respect to said improvement by said com-

mon council that for the defraying the expense thereof, an assessment was made and the assessment roll made out and returned to said common council, and by them ratified and confirmed on or about the twenty-fourth day of August, in the year of our Lord one thousand eight hundred and eighty;

AND WHEREAS, The said Eugene Robinson performed the said contract on his part and received therefor street paving bonds of the city of Detroit, none of which said bonds have been paid;

AND WHEREAS, A part only of the taxes assessed upon the real estate mentioned and described in said assessment roll have been paid, and the residue thereof remains unpaid;

AND WHEREAS, Said assessment has been declared null and void for the reason, among others, that the board of public works did not advertise the specifications of said improvement, but only referred to the specifications on file in their office in their advertisement for bids for said improvement;

AND WHEREAS, The said improvement for which the said assessment was made has been fully completed and it is just and equitable that the expenses thereof should be paid by the owners of the real estate benefited thereby, and that the same should not be a charge upon all the taxable property of the city; now therefore

SECTION 1. The People of the State of Michigan enact, That the common council of the city of Detroit, with the concurrence of the city council thereof, for the purpose of defraying the cost and expense of said above mentioned improvement, are hereby authorized and empowered, and it shall be their duty to determine, declare, and set forth all lots, blocks, and lands benefited thereby, and to cause to be reassessed upon the owners and occupants of houses and lands so benefited, such sum as the city engineer of said city may determine and certify to be the actual cost and expenses of said improvement, exclusive of interest, and also exclusive of the cost of paving street intersections, and such reassessment shall be made substantially in the manner provided for making original assessments of like nature by the existing charter of said city, so far as the same relates to proceedings to be had, subsequent to letting the contract for the performance of work on a public improvement, except as modified by this act.

SEC. 2. Such sums as have heretofore been paid toward [towards] said improvement, upon houses and lands included in such reassessment, shall be applied, under the direction of the common council, to the credit of the persons and property on account of which the same were paid, and in case the credit shall exceed the sum reassessed against such persons and property as herein provided for, the council shall cause such excess to be refunded to the party who made payment thereof. All the provisions of said charter relative to the making, collection, and return of special assessments shall apply to the reassessment hereby authorized to be made, except as herein otherwise provided.

This act is ordered to take immediate effect.

Approved June 8, 1883.

*Application of
sums already
paid.*

[No. 336.]

AN ACT to amend an act entitled "An act relative to free schools in the city of Detroit," approved February twenty-four, eighteen hundred and sixty-nine, as amended March twenty-seven, eighteen hundred and seventy-three, and March eleven, eighteen hundred and eighty-one, by amending sections three and twenty.

SECTION 1. *The People of the State of Michigan enact,* That Sections amended. sections three and twenty of and [an] act entitled "An act relative to free schools in the city of Detroit," approved February twenty-four, eighteen hundred and sixty-nine, as amended March twenty-seven, eighteen hundred and seventy three, and March eleven, eighteen hundred and eighty-one, be amended so as to read as follows:

SEC. 3. In case of any vacancy or vacancies in the office of school inspector by death, resignation, refusal to accept office, failure to elect or otherwise, the mayor may nominate, and the board of councilmen may confirm the nomination of suitable persons to fill such vacancy or vacancies, and the persons thus appointed shall hold office until the first day of July succeeding the next regular election for inspectors, at which election in addition to the inspectors elected for a full term, persons shall be elected to fill any such vacancies for the remainder of the vacant term beyond the first day of July thereafter. Filling vacancies in the office of school inspector.

SEC. 20. Any non-resident actually owning or occupying real estate within the city of Detroit, and paying school taxes thereon, may send any scholars who are members of his own family to the schools of said city, under such regulations as the board of education may adopt, and the school taxes thus actually paid shall be deducted from the charge for tuition which may be established for non-resident pupils. Privileges of non-resident tax-payers, in schools.

This act is ordered to take immediate effect.

Approved June 8, 1883.

[No. 337.]

AN ACT to incorporate the city of Kalamazoo, and to repeal an act entitled "An act to re-incorporate the village of Kalamazoo, and to repeal all inconsistent acts and parts of acts," approved March fifteenth, eighteen hundred and sixty-one, as amended by the several acts amendatory thereof.

CHAPTER I.

INCORPORATION AND BOUNDARIES.

SECTION 1. *The People of the State of Michigan enact,* That the village incorporated as the city of Kalamazoo. corporation heretofore created and known as the village of Kalamazoo, and the inhabitants thereof, shall be, and are hereby created and constituted a corporation by the name of the city of Kalamazoo, and by that name may sue and be sued, implead, and be impleaded,

complain and defend in any and all courts of law and equity ; may have a common seal, and alter it at pleasure ; and may take, hold, purchase, lease, convey, and dispose of real, personal, or mixed estate, for the use of said corporation.

Territory incorporated. Sec. 2. The tract of country in the township and county of Kalamazoo, and State of Michigan, and designated as follows, *viz.*: Beginning at the quarter post on the north line of section fourteen, in township two south, of range eleven west, and running thence south on the quarter line through sections fourteen and twenty-three to the center of section twenty-six ; thence west on the quarter line through sections twenty-six, twenty-seven, and twenty-eight, to the southwest corner of the northwest quarter of said section twenty-eight ; thence north on the section line to the north-west corner of section sixteen ; thence east on the north line of sections sixteen, fifteen, and fourteen to the place of beginning, shall be and the same is hereby constituted a city corporate, under the name of the City of Kalamazoo, and subject to the municipal control of said corporation.

CHAPTER II.

WARDS AND THEIR BOUNDARIES.

Division into wards.

SECTION 1. Said City of Kalamazoo shall be divided into five wards, with their several boundaries established as follows:

First ward.

First, Commencing at the northeast corner of the corporation, thence west on the corporation line to the centre of Rose street ; thence south along the center of Rose street to the center of Main street ; thence east and easterly along the center of Main street to the center of Kalamazoo avenue, and thence east along the center of Kalamazoo avenue and East avenue to the east bank of the mill-race, and thence easterly along the northern bank of said mill-race and the meandered bank of the Kalamazoo river to the east corporation line ; thence north on said corporation line to the place of beginning, shall constitute the first ward ;

Second ward.

Second, Commencing at the center of Rose street at the point of intersection of said street with the north line of the corporation ; thence west on said north line of the corporation to the northwest corner of said corporation ; thence south on the west line of said corporation to the center of the lines of Academy street, prolonged west to said west line of the corporation ; thence east along the center of said prolonged lines of Academy street, and of Academy street to the center of Rose street ; thence north along the center of Rose street to the north line of the corporation, shall constitute the second ward ;

Third ward.

Third, Commencing at the point of intersection of the centres of Park street and Academy street, thence west along the centre of Academy street, and the prolongation west of the lines of said Academy street to the west line of said corporation ; thence south on the west line of said corporation to the southwest corner of said corporation ; thence east along the south line of said corporation to the center of West street ; thence north along the centre of West

street to the centre of Park street at the point of intersection of said Park street with West street; thence east and north along the centre of Park street to the centre of Academy street, shall constitute the third ward;

Fourth, Commencing at the point of intersection of the centres of Main street and Portage street, thence west along the centre of Main street to the centre of Rose street; thence south along the centre of Rose street to the centre of Academy street; thence west along the centre of Academy street to the centre of Park street; thence south and thence west along the centre of Park street to the point of intersection of said Park street with the centre of West street; thence south along the centre of West street to the south line of said corporation; thence east along the south line of said corporation to the point of intersection of said line with the west line of lands of the Lake Shore & Michigan Southern railroad, constituting the line of said railroad as now established; thence northerly along the west line of said railroad lands, embracing the track of said road, as now established, to the centre of Portage street; thence northwesterly along the centre of Portage street to the centre of Main street, shall constitute the fourth ward;

Fifth, Commencing at the point of intersection of the north meandered bank of the Kalamazoo river with the east line of said corporation, thence westerly along the northern meandered bank of said Kalamazoo river and of the mill-race to the centre of East avenue; thence westerly along the centre of East avenue and of Kalamazoo avenue to the point of intersection of the centre of Main street with said Kalamazoo avenue; thence southwesterly along the centre of Main street to the point of intersection of the centre of Portage street with Main street; thence southeasterly along the centre of Portage street to the west line of lands of the Lake Shore and Michigan Southern railroad at the present railroad crossing of Portage street by said railroad as now established; thence southwesterly along the west line of said lands of said railroad to the south line of said corporation; thence east along said corporation line to the southeast corner of said corporation; thence north along the east line of said corporation to the north meandered bank of the Kalamazoo river, shall constitute the fifth ward.

CHAPTER III.

OFFICERS OF THE CITY.

SECTION 1. The officers of said city shall be a mayor, city clerk, city officers, city marshal, city treasurer, recorder, four justices of the peace, four constables, city attorney, a health officer, and such other officers to be appointed by the city council as may be necessary to carry out and make effective the provisions of this act; and in each ward of said city two aldermen and a supervisor shall be elected.

CHAPTER IV.

ELECTIONS.

First election of officers.

Inspectors of election.

Officers to be elected, etc., terms of office, etc.

Further provis.
tion for elections.

SECTION 1. The electors of each ward in said city shall meet on the first Monday in April, eighteen hundred and eighty-four, at such places in the respective wards designated by this act, as the president and board of trustees of the village of Kalamazoo shall designate by resolution, which resolution shall be published daily in two of the daily papers of said village, for at least the ten issues of said papers immediately preceding said election. Said resolution shall also designate three suitable electors in each of said wards to act as inspectors of election, who shall have the same powers as inspectors of election as are given to the supervisors and aldermen of each ward under this act. Said electors shall, by plurality of votes, elect one person as mayor of said city, one person as treasurer and four persons as constables, who shall respectively hold their offices for one year from and after the second Monday in April immediately following this election, one person as recorder who shall hold his office for four years from and after said second Monday in April, four persons as justices of the peace, one of whom shall hold his office for four years, one for three years, one for two years, and one for one year from and after said second Monday in April, and whose terms of office shall be designated on the ballots, one person from each ward as supervisor of the same, who shall hold his office for one year from and after said second Monday in April, and two persons from each ward as aldermen, one of whom shall hold his office for the term of one year from and after said second Monday in April, and one for the term of two years from and after said day, and who shall be respectively designated upon the ballots as aldermen for long and for short term; and annually thereafter, at the polling places of the respective wards there shall be elected one person as mayor, and one person as treasurer, and four persons as constablee, who shall respectively hold their offices for one year from and after the second Monday in April following their election, and one person as justice of the peace who shall hold his office for four years from and after said second Monday in April, and once in every four years there shall be elected at such election one person as recorder who shall hold his office for four years from and after said second Monday in April, and also annually thereafter there shall be elected in each ward one person as supervisor of the same who shall hold his office for the term of one year from and after said second Monday in April, and one person as alderman from each ward who shall hold his office for the term of two years from and after said second Monday in April. The mayor and aldermen so elected at any election, together with the aldermen holding over, shall be and constitute the city council during the existence of the corporation, and a majority of such mayor and aldermen shall constitute a quorum.

SEC. 2. If an election of mayor, aldermen, and other officers shall not be made on the day, when pursuant to this act it ought to be made, the said corporation shall not for that reason be dissolved,

and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of the regular elections.

SEC. 3. Notice of the time and place of holding any election, and of the officers to be elected, and the questions or propositions, if any, to be voted upon, shall, except as otherwise provided for, be given by the city clerk at least ten days previous to such election, by posting such notice in three public places in said city, or by publishing a copy thereof in a newspaper printed and published in said city the same length of time before election; and in case any question or proposition is to be voted upon, such notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing the election.

SEC. 4. Special elections may be appointed by resolution of the city council and held at the polling places in the respective wards in said city. The purpose and object of all special elections shall be fully set forth in the resolution appointing the same.

SEC. 5. On the day of election the polls shall be opened at eight o'clock in the forenoon and closed at five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors of election shall cause proclamation to be made of the opening and closing of the polls.

SEC. 6. The inspectors of election may employ one or more polling clerks, to assist at elections, who shall receive such compensation as the city council may prescribe.

SEC. 7. The inspectors and clerks of election shall take an oath, to be administered by any person authorized to administer oaths, to honestly and faithfully discharge their duties as such inspectors and clerks of election. All elections in the city shall be conducted, as near as may be, in manner provided by law for holding general elections in townships throughout the State, except as herein otherwise provided, and the inspectors of election [elections] shall have the same powers and authority to preserve the purity of election, maintain good order, and to enforce obedience to their lawful commands during the time of holding any election, and the canvass of the votes cast thereat, as is now or may hereafter be given to township boards of election by the general statutes of the State, and shall perform the same duties as inspectors of election, as township inspectors of elections.

SEC. 8. Immediately after closing the polls, the judges of election shall, without adjourning, canvass the votes received by them at the polling places of their respective wards and declare the result; and shall on the same day, or on the next day, make a statement, in writing, setting forth the whole number of votes cast for each office, the names of the persons for whom such votes for each office were cast, and the number of votes so given for each person; and if any proposition or question shall have been voted upon, the whole number of votes given upon such question or proposition, and the number given for and against the same, which statement shall be certified under the hands of the inspectors of election to be correct, and they shall thereupon, on the same day, deposit such statement,

Notice of election, by whom given, and what to contain.

Time of opening and closing polls, etc.

Clerk of election.

Oath of inspectors and clerk.

How elections to be conducted.

Canvass of voters, etc.

Statement of result of election, etc.

To be certified to and deposited with city clerk.

Board of can-
vass.

together with the poll lists and ballots cast, in the office of the city clerk. The city clerk and any two aldermen appointed by the mayor for that purpose, shall constitute the city board of canvassers, and shall canvass the returns from the respective wards, and declare what officers have been elected in said wards and in the city, and file a statement of the persons so declared elected by them, and the number of ballots cast for each with the city clerk. It shall be the duty of the clerk to forthwith give notice in writing to the persons elected at any election, of their election. The persons declared elected by the inspectors of election, shall, from such declaration, be deemed to have been duly elected, unless for good and sufficient cause their election be held void.

Notice to per-
sons elected.

SEC. 9. The city council shall convene on the Monday next ensuing the annual election, at their usual place of meeting, and at such meeting the newly elected mayor and aldermen shall qualify and enter upon the duties of their offices. If any question or proposition shall have been voted upon at any election, it shall be the duty of the outgoing city council, at such meeting, to determine the result of such election on such question or proposition, from the statement filed by the canvassing board and cause the same to be entered in their records.

When officers to
enter upon dis-
charge of their
duties.

SEC. 10. If at any election there shall be no choice for any office, by reason of two or more candidates having received the same number of votes, the outgoing city council shall, at the meeting mentioned in the preceding section, determine by lot between such persons, who shall be considered elected to such office.

Officers to take
and file oath of
office.

SEC. 11. Every officer of the city shall, before entering on the discharge of the duties of his office, take and subscribe and file with the city clerk, an oath or affirmation to support the constitution of the United States and of this State, and that he will, to the best of his ability, faithfully and impartially discharge the duties of his office, which oath or affirmation may be administered by the city clerk, or any qualified person authorized by law to administer oaths. Any person who shall neglect or refuse to take, subscribe, and file such oath or affirmation, as provided in this section, on or before the next meeting of the city council after receiving notice of election, shall be deemed to have declined the office, and a vacancy may be declared therein and filled by the council.

Officers to be
electors; who
deemed electors.

SEC. 12. No person shall be elected to any office in said city or ward therein unless he shall be, at the time of such election or appointment, an elector of said city or ward. The inhabitants of said city having the qualifications of electors under the constitution and general laws of the State, and no others, shall be electors therein.

Registration.

SEC. 13. The president and board of trustees of the village of Kalamazoo shall provide by resolution in accordance, as near as may be, with State laws, for the registration of the qualified electors of each ward, at least sixty days previous to the first election in this chapter specified, and thereafter it shall be the duty of the city council to prescribe by ordinance the manner of registration in the

How failure
regarded.

respective wards, as near as may be in accordance with State laws, at least sixty days previous to the next annual election. The judges and inspectors of the first election herein provided for shall make returns of such election to the president and trustees of the village of Kalamazoo in the same manner as judges and inspectors of subsequent elections are required to make returns to the city council, and said president and trustees, and the village clerk shall perform the same duties in relation thereto, as are provided in this act to be performed by the city council and city clerk in relation to subsequent elections.

Sec. 14. In addition to the officers herein provided to be elected, the electors at each annual election shall elect officers to fill vacancies in the instances specified in this act.

Sec. 15. The supervisor shall be chairman of the board of inspectors in his ward, when he is present. If not present the board shall elect one of their number chairman. Said board shall consist of the supervisor and the two aldermen of each ward, two of whom shall constitute a quorum, and they shall be inspectors in their respective wards of all elections. In case three of such inspectors shall not attend at the opening of the polls, or shall not remain in attendance during the election, the electors present may choose *viva voce* such number of such electors as, with the inspector or inspectors present shall constitute a board of three in number, and such electors so chosen shall be inspectors of the election during the continuance thereof.

Sec. 16. In all elections other than city elections, the board of inspectors of election of each ward shall appoint one of their number to attend the county canvass,

Sec. 17. The city council shall provide, and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

Sec. 18. The ballots cast upon any question or proposition to be voted upon, shall be separate, and shall be deposited in a separate box.

Sec. 19. All persons having the qualification of electors at general elections, and whose names are duly registered upon registers of voters of the ward in which they reside, and no others shall be entitled to vote at all elections in the wards in which they reside : *Provided*, That in the case of any elector whose name is not entered upon the register of voters of the ward in which he resides, upon a sufficient showing to the satisfaction of the inspectors of election, that such elector was necessarily absent from his ward, or unable from any cause to secure such registration at the time of the last session of the board of registration of such ward, such elector, desiring to vote at such election, shall then and there be entitled to registration and to record his vote in accordance with and under the provisions of laws of the State governing township elections.

CHAPTER V.

APPOINTMENT OF OFFICERS.

Appointment of officers.

SECTION 1. The city council shall, at their first meeting held after the newly elected mayor and aldermen shall have qualified and entered upon the duties of their respective offices, in each year, appoint a city clerk, marshal, attorney, health officer, and such number of policemen and special policemen and watchmen as they may deem necessary to protect the persons and property in said city, and to maintain good order therein. Appointments to office, which for any cause shall not be made at such meeting of the council, may be made at any subsequent meeting of the council, and nothing herein contained shall be construed to prevent the appointment, by the city council, in case of any emergency, of as many special policemen and watchmen as they may deem necessary. And said city council may create such other offices and appoint and compensate such other officers as may be necessary to execute the powers in this act conferred and to enforce good government in said city.

Terms of office of appointive officers.

SEC. 2. All officers appointed by the city council, except those appointed to fill a vacancy, shall hold their respective offices until the second Monday in April next after such appointment, and until their successors qualify and enter upon the duties of their office, unless a different term of office shall be prescribed in this act, or in the action of the council creating the office. Officers appointed to fill a vacancy, in appointive offices, shall hold their offices for the residue of the term in which the vacancy occurred.

When appointed to fill vacancy.**Bonds of appointive officers.**

SEC. 3. Every person appointed to office by the city council except special policemen and watchmen, shall, before entering upon the discharge of their duties, and within such time as the common council may determine, file with the clerk of said city such bond or security, running to the city of Kalamazoo, as may be required by law, or by any ordinance or requirement of the city council with such surety or sureties as shall be approved by said council, conditioned for the faithful and due performance of the duties of his office, except the bond or security given by the clerk shall be deposited with the treasurer of said city.

Sufficiency of bonds, new bonds, etc.

SEC. 4. The city council shall judge of the sufficiency of the official bonds required by the preceding section, and of the sufficiency of the surety or sureties thereon, and may reject the same if deemed insufficient for any reason. Said city council may also, at any time, require any officer to execute and file as aforesaid, additional or new official bonds or security with such new or further sureties as said council may deem requisite. Any failure to comply with such requirement, within such reasonable time as the council may determine, shall subject the officer to immediate removal.

Suits upon official bonds.

SEC. 5. Suit may be brought by the city for any breach of any official bond given to said city before any justice of the peace of the city of Kalamazoo or the circuit court of Kalamazoo county, according to the amount claimed, which courts are authorized to hear and determine the same, but this section shall not be deemed

to take away the jurisdiction of any other court before which such action might be brought if this section had not been enacted.

Sec. 6. All officers appointed by the city council may be removed or suspended from office by said council, for official misconduct, incompetency, neglect of duty, or any unlawful act: *Provided*, ^{Removal from office.} *Proviso.* That no officer who has given an official bond as required by this act, or by any ordinance or requirement of the city council, shall be removed, without notice in writing of the charges against him, and an opportunity given to be heard in his defense in person and by counsel, nor unless a majority of all the members of the council shall, after such notice and hearing, vote for such removal.

Sec. 7. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed has expired, he shall deliver over to his successor or successors in office all books, papers, moneys, and effects in his custody as such officer, and in any way pertaining to his office. Every person violating the provisions of this section shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for like offenses under the general laws of the State, and every officer elected or appointed under the provisions of this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

Sec. 8. The resignation, suspension, or removal of any officer from office shall not, nor shall the appointment of any other to fill the vacancy, exonerate such officer or his sureties from any liability incurred by him or them.

Sec. 9. If during his term of office, any officer of said city shall cease to be a resident thereof, or if any officer shall be a defaulter, his office may be declared vacant by the city council. If any person elected or appointed to office in said city shall fail to take and file the oath of office, or shall fail to give the bond or security required within the time limited therefor, the city council may declare the office vacant, unless previously thereto he shall file the oath and give the bond or security required.

CHAPTER VI.

POWERS AND DUTIES OF THE MAYOR.

SECTION 1. The mayor of said city shall be the chief executive officer thereof, and shall be, *ex officio*, a member of the city council.

Sec. 2. The mayor shall have power to, and shall appoint all standing committees. He shall preside at all meetings of the city council, and call special meetings of the city council whenever he shall deem it expedient, or whenever requested in writing by three or more aldermen. It shall be optional with the mayor to vote upon a measure, unless in case of a tie, in which case he shall cast the deciding vote.

Sec. 3. The mayor shall see that all by-laws, rules, regulations, and ordinances of said city are enforced, and he shall have authority at all times to examine and inspect the books, records, and papers of any agent, commissioner, and officer of the corporation,

pertaining to the duties and office of such persons, and shall have supervision and control of the marshal and police. He shall countersign all warrants and orders for money on the treasury of said city, and shall perform, generally, such duties as may be required of him by this act.

To countersign
warrants on
treasury.

Conservator of
peace.

Sec. 4. The mayor shall be conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

CHAPTER VII.

POWERS AND DUTIES OF THE CITY CLERK.

Powers and
duties of clerk.

SECTION 1. The city clerk shall keep and have charge of the corporate seal, and all [the] documents, official bonds, and records of said city, not by this act or by the ordinances of said city entrusted to some other person ; he shall be clerk of the city council and attend all meetings of said council, record all its proceedings, ordinances, and resolutions, and attend to the publication of all notices, ordinances, and regulations required to be published ; give notice of special meetings, elections, and to persons elected ; he shall sign and register all licenses granted, and shall, when required by the city council, for the use of the city, make and certify under the seal of the city copies of the records and papers filed and kept in his office, and he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city, and he shall have power to administer oaths and affirmations, and exercise such other powers as are provided in this act, or that may be by ordinance of the council prescribed.

Idem.

Sec. 2. The city clerk, on demand and tender of fees therefor at the rate of twelve cents per folio, shall make and furnish a certified copy or transcript of any paper or record filed in his office or kept by him as such clerk, and all fees received by him therefor shall be the property of and belong to said clerk, in addition to his regular salary. Copies of all papers duly filed in his office, and transcripts from the record of the proceedings of the city council certified by the clerk under the corporate seal of the city shall be evidence in all courts of this State, in like manner as if the originals were produced.

Idem.

Sec. 3. The city clerk shall be the general accountant of the city, and all claims against said city shall first be filed with him for adjustment, and when allowed, shall draw his warrant upon the treasurer for the payment thereof, designating therein the fund from which payment is to be made. When any tax or money shall have been levied, raised, or appropriated, the clerk shall report the amount thereof to the city treasurer, stating the objects and funds for which the same was levied, raised, or appropriated, and the amounts thereof to be credited to each fund.

Idem.

Sec. 4. The city clerk shall have charge of all the books, vouchers, and documents relating to the accounts, debts, and revenues of the corporation ; he shall countersign and register all bonds issued ; he

shall keep a complete set of books exhibiting the financial condition of the corporation in all its departments, funds, revenues, resources, and liabilities, with a detailed and proper classification thereof; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all warrants drawn thereon, keeping an account with each fund.

Sec. 5. The city clerk shall report to the city council, whenever ^{Idem.} required, a detailed statement of the receipts and expenditures, and financial condition of the city, and shall perform such other duties pertaining to his office as are required by this act, or as said council, by ordinance or resolution, may require.

Sec. 6. In case of the absence of the clerk, or if from any cause he <sup>In case of
absence of, etc.</sup> shall be unable to discharge, or be disqualified from performing the duties required of him, the city council may appoint one of their own number, or some other person, to perform the duties of the clerk for the time being.

CHAPTER VIII.

POWERS AND DUTIES OF THE CITY TREASURER.

SECTION 1. The treasurer of said city shall have the custody of <sup>Powers and
duties of trea-
surer.</sup> all moneys, the clerk's bond and bonds other than official bonds, and all evidences of value belonging to said city. He shall receive all moneys belonging to and receivable by the corporation and keep a correct account of all receipts and expenditures. He shall pay no money out of the treasury, except in pursuance of and by authority of law, and upon warrants signed by the clerk and countersigned by the mayor of said city, which shall specify the purpose for which the amount thereof and the fund from which the same are to be paid. He shall keep an account of, and be charged with all taxes and moneys appropriated, raised, or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund upon which the warrant is drawn.

Sec. 2. The treasurer of said city shall render to the city coun- ^{Idem.} cil, when required, a report of the amounts received and credited by him to each fund, and the amounts paid out by him and for what purpose, from each fund, and the amount of money remaining in each fund on the day of each report.

Sec. 3. The treasurer shall take vouchers for all money paid ^{Idem.} from the treasury, showing the amount and fund from which payment was made, which vouchers, upon settlement with the proper officers of the city, shall be surrendered to and filed with the city clerk.

Sec. 4. Said treasurer is hereby prohibited from using, either ^{Idem.} directly or indirectly, the corporation moneys, warrants, or evidences of indebtedness in his custody, or for his own use or benefit, or that of any other person; any violation of the provisions of this section shall work a forfeiture of his office, and the city council, on

proof of the fact, are authorized to declare the office vacant, and to appoint a successor for the remainder of the term.

Item.

Sec. 5. The city treasurer shall whenever he shall act as collector of taxes, exercise such powers as are conferred by the general laws of the State upon township treasurers, and he shall perform such other duties pertaining to his office, as may be required of him from time to time by the city council, or by the provisions of this act.

CHAPTER IX.

JUSTICES OF THE PEACE.

Jurisdiction,
etc., of justices.

SECTION 1. Justices of the peace elected under this act shall have in all respects the same powers and duties and jurisdiction as justices of the peace of townships under the general laws of the State, and as if the city were a township, and shall be subject to all the general laws of the State in the same manner as other justices of the peace, except when in this act it is otherwise provided, or when the provisions of this act shall be inconsistent therewith.

CHAPTER X.

SUPERVISORS.

Powers and
duties of super-
visors.

SECTION 1. The supervisors of the several wards are authorized to perform the same duties in relation to the assessment of property and levying of taxes for all purposes in their respective wards as are imposed by law upon supervisors elected in townships, and they shall have the like powers and perform the like duties in all other respects as supervisors so elected, so far as such powers and duties are required to be exercised in their wards, except as herein otherwise provided. Together with the aldermen of their wards, they shall constitute the board of inspectors of elections in their respective wards; they shall represent their several wards on the board of supervisors of the county of Kalamazoo, and shall have equal rights and privileges with members of such board chosen by the respective townships of the county, and they shall perform such other duties as are required of them individually or collectively by any of the provisions of this act.

CHAPTER XI.

ALDERMEN.

Powers and
duties of alder-
men.

SECTION 1. The aldermen of the respective wards shall be members of the city council, and exercise such powers and discharge such duties as are required by this act, or that may be prescribed by ordinance or resolution of the city council, and not inconsistent with this act. With the supervisor they shall constitute the board of inspectors of election in their respective wards; as conservators of the peace they shall aid in maintaining good order in the city, and in securing the faithful performance of duty by all officers of the city.

CHAPTER XII.

CITY CONSTABLES.

SECTION 1. The constables elected in said city shall be vested with ^{Powers and duties of constables.} the same powers, exercise the same duties in every respect, and be governed by the same rules as are prescribed by law in relation to constables elected in townships in this State, and exercise such other powers as are conferred by this act.

CHAPTER XIII.

CITY ATTORNEY.

SECTION 1. It shall be the duty of the city attorney to appear ^{Powers and duties of city attorney.} for and in behalf of the city in all suits and legal proceedings wherein said city shall be a party ; he shall be the legal adviser of the city council in all matters pertaining to the interests of the city, and it shall be his duty to attend upon the sessions of the council whenever requested, and to conduct the prosecutions for the violation of all city ordinances and regulations, and generally to perform such other duties pertaining to his office as may be required by the mayor or city council, and to be prescribed by ordinance or resolution.

CHAPTER XIV.

POWERS AND DUTIES OF THE CITY MARSHAL AND POLICE.

SECTION 1. The city marshal shall be chief of police ; he shall ^{Marshal and police, powers and duties of.} have the general supervision of the city and, subject to the mayor, he shall have the direction of the police of the city. As peace officer, he shall, within said city, be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order.

Sec. 2. It shall be the duty of the marshal and police to see that ^{Idem.} all the ordinances and regulations of the city council, made for the preservation of good order, and for the safety and protection of the inhabitants of said city are promptly enforced.

Sec. 3. The marshal and police shall have and exercise within ^{Idem.} said city, all the power given by law to constables, for the preservation of the peace and to apprehend and arrest offenders against the laws of the State. They shall have power to enter any disorderly or gaming house, or dwelling house, or any other building where a felon is known to be secreted or harbored, or where any person is who has committed any breach of the peace, or where any felony or breach of the peace is being committed. It shall be the duty of said marshal and police, and they are hereby fully authorized to suppress all riots, disturbances, and breaches of the peace, to arrest upon view all persons fleeing from justice, to apprehend upon view any person found in the act of committing any offense against the laws of the State ; and to take such persons before the proper officer or magistrate to be dealt with according to law ; to make complaints before the proper officer or magistrate, of any person known or believed by them to be guilty of crime, or of having violated

any ordinance or regulation of said city, and to serve all process, writs and warrants that may be delivered to them for that purpose or that may be required in any prosecution for the violation of any ordinance or regulation of said city. In prosecutions under any city ordinance or regulation of said city the marshal and regular police thereof shall have the same powers and shall perform the same duties as are given to and performed by constables under the laws of the State; and generally, they shall perform all such duties pertaining to their respective offices, as may be required by the city council.

Powers of
constables,
sheriff, etc.

Sec. 4. The constables of the city of Kalamazoo, the sheriff, and under sheriff of the county and deputies shall have the same powers to preserve good order and enforce the police regulations contained in this act or that may be enacted by the city council as are herein conferred on the marshal and police; and they shall have power to serve all process, writs, and warrants in any prosecution or suit under the ordinances of said city, and to perform such acts in relation thereto as they perform in civil and criminal cases under the general laws of the State.

CHAPTER XV.

POWERS AND DUTIES OF THE CITY HEALTH OFFICER.

Powers and
duties of health
officer.

SECTION 1. The health officer of the city shall have such powers and perform such duties as are conferred upon and required of health officers of townships appointed under the general laws of the State, and shall perform such other duties pertaining to his office as may be required by the city council.

CHAPTER XVI.

RECORDER'S COURT AND ITS JURISDICTION.

Recorder to pro-
vide court room,
etc.

SECTION 1. It shall be the duty of the recorder, elected at any election, to provide suitable rooms for the holding of a recorder's court at some convenient place within the city limits, and for the outlay incident to the rental and current expenses of maintaining said rooms he shall receive in addition to his salary the sum of two hundred dollars per annum, payable by the city treasurer out of the general fund.

Recorder to be
an attorney.

Sec. 2. Said recorder shall be an attorney at law qualified as such under the laws of the State of Michigan. He shall be judge of the recorder's court and shall assume the duties of his office on the second Monday in April next after his election, and shall hold his office for the term of four years next after said second Monday in April, and until his successor is elected and qualified.

To be judge of
recorder's court.

Sec. 3. Said recorder shall have jurisdiction of all cases involving fines, penalties, forfeitures, or imprisonment under the laws of the State of Michigan arising within the city limits to the same extent in the same manner, and under the same practice as might a justice of the peace elected at a township election, including the jurisdiction given to justices of the peace in relation to the arrest

Jurisdiction of.

and examination of persons charged with crime, except as otherwise provided in this act; and his court shall be set in motion and acquire jurisdiction of cases by the same proceedings as a justice of the peace. He shall also have concurrent jurisdiction with justices of the peace of Kalamazoo county of all such cases specified above as shall arise outside of the city limits, and within two hundred yards of said limits. He shall also have jurisdiction to hear, try, and determine all cases arising from the violation of the city ordinances, and also the special jurisdiction provided for in chapter twenty-three of this act.

Sec. 4. Whenever a defendant in any criminal proceedings before said court shall voluntarily consent that his case may be adjourned for more than one week, said recorder shall not by reason of such adjournment lose jurisdiction of the same.

Sec. 5. All process and writs from said court shall be issued and returned in the same manner as writs and process from a justice, and may be served by the city marshal, any of his deputies, or by any officer authorized by the laws of the State to serve process issued by a justice of the peace; and it shall be the duty of all such officers to serve all writs from said recorder that may be placed in their hands, the same as if they were writs from a justice of the peace, and they shall be subject to like penalties for neglect of duty and refusal to act in the matter of said writs as if the same were issued by a justice of the peace.

Sec. 6. Said recorder shall keep a docket, and shall enter thereon the records of all cases and proceedings brought before him, and shall make the same docket entries thereon that are required to be made by a justice in similar cases. The recorder's docket, seal, and the necessary blanks for conducting his office shall be furnished by the city treasurer out of the general fund upon the requisition of the recorder.

Sec. 7. Said recorder may be authorized by resolution of the city council to employ a clerk, and in such case the salary of said clerk shall be fixed by the council.

Sec. 8. Previous to said recorder assuming the duties of his office he shall go before the city clerk and take the oath of office prescribed in section one, of article eighteen, of the constitution of the State of Michigan, and shall file with the county treasurer a bond to the people of the State of Michigan in the penal sum of one thousand dollars, with two sufficient sureties, to be approved by said treasurer, conditioned to faithfully pay over and account for to the proper officer, all public moneys coming into his possession, and shall be subject to the same laws and regulations in respect to said moneys as is a justice of the peace.

Sec. 9. Said recorder shall pay all moneys received by him for fines, penalties, and forfeitures, arising under the city ordinances, and not required by the constitution of the State of Michigan to be paid elsewhere to the city treasurer upon the first business day of every month, and shall not be entitled to draw his salary until he has made such payment and filed with said treasurer a certificate stating that the payment made by him covers all such moneys which he has

To make monthly pay-
ment of fines,
etc., received, to
city treasurer,
etc.

received since his last monthly payment, and also stating the sources from which it was received. He shall also enter on his docket in such case the amount of moneys in any way paid to him by reason of said case.

Bond to city. Sec. 10. Said recorder shall file such other bond to the city of Kalamazoo as shall be required of him by the city council.

What to create vacancy in office of. Sec. 11. A vacancy shall occur in the office of said recorder upon the happening of any of the events mentioned in compiler's section six hundred and seventeen, of the compiled laws of the State of Michigan of eighteen hundred and seventy-one. Whenever a vacancy shall occur in said office, it shall be filled by appointment of the city council, which appointment shall hold good until the second Monday in April next after the election immediately following such appointment, and until the successor of the appointee is elected and qualified. In case a vacancy or a vacancy filled by

Filling vacancy. appointment of the city council shall exist in the office of recorder at the time of any city election, there shall be elected at such election a recorder for the unexpired term of said office, who shall assume the duties of said office on the second Monday in April following his election, and shall hold his office for the remainder of the original term, and until his successor is elected and qualified.

Who may act in case of absence of recorder, or vacancy in office. Sec. 12. In case of the temporary absence or inability of said recorder to act, or in case of a vacancy existing in his office and for the time being not filled by election or appointment of the city council, the mayor of the city may designate any one of the justices of the peace of the city of Kalamazoo to act in his place until the recorder shall be able to assume his duties, or the vacancy be filled; and said justice when so acting shall have the same jurisdiction and be subject to all the requirements of this act in the same manner as if he were in fact recorder.

Justices of peace shall exercise no jurisdiction in certain cases. Sec. 13. After the recorder shall have entered upon the duties of his office, justices of the peace of the township and of the city of Kalamazoo shall exercise no jurisdiction in the class of cases herein provided to be brought in said recorder's court, except by designation as above, and except during the time that a vacancy unfilled by appointment shall exist in said office and while the mayor of the city shall have failed to designate any justice to act in the recorder's place during the period of such vacancy. But during the period of such unfilled vacancy and failure to designate, justices of the peace of the city of Kalamazoo shall have and exercise jurisdiction of the cases in this chapter given to the recorder, the same as if this chapter had never been passed. In case any proceeding or case under this act in any of the foregoing instances be commenced before a justice of the peace he shall retain jurisdiction of it to the end and completion of the same.

Removal of proceedings to circuit court. Sec. 14. An appeal or writ of *certiorari* shall be allowed to remove all proceedings in said recorder's court to the circuit court of the county of Kalamazoo in the same manner, and subject to like rules as appeals and writs of *certiorari* are allowed by the laws of the State of Michigan from criminal proceedings before justices of the peace: *Provided*, That in cases brought in said court under chapter

Proviso.

twenty-three of this act shall be removed to the appellate courts only in the manner in said chapter provided.

Sec. 15. The said recorder shall receive for his services a salary ^{Salary of recorder.} of one hundred and twenty-five dollars per month, payable by the city treasurer on the first day of every month, out of the general fund of the city on the voucher of said recorder; and all moneys paid into the city treasury by the recorder shall be placed to the credit of the general fund. Any justice of the peace acting as recorder ^{of justice acting as recorder.} shall receive a similar amount in proportion, payable in the same manner, for the time he shall act; but two persons shall not receive salary as recorder for the same space of time.

Sec. 16. The supervisor of each ward on the second Monday in ^{Jury list.} April, July, October, and January, or if that be a legal holiday, on the day following, shall make and file with said recorder a list of twenty names of persons residing in his said ward not exempt from serving on juries, and qualified to serve as jurors in courts of record, and whose business renders them likely to remain permanently at home. Said names shall be written on separate slips of paper, and placed by the recorder in a box to be kept for that purpose. The ^{Trial by jury.} people, city, or any party to a suit or proceedings before said recorder shall be entitled to a trial by jury of six jurors, on making an oral demand for the same before the trial is entered upon: ^{Pro- Proviso.} vided, That in proceedings under chapter twenty-three of this act, the jury shall be selected in the manner in said chapter provided. In all cases where a jury is not demanded by either party, said recorder shall have jurisdiction to try, hear, and determine the issue without a jury.

Sec. 17. Upon a jury being demanded by either party, the ^{Drawing a jury.} recorder or his clerk shall, in the presence of both parties, draw from said box eighteen names, in the same manner that the county clerk is required to draw the names of jurors from the box upon the trial of causes in the circuit court, and from the eighteen names so drawn each party shall be entitled to reject six. A ^{Venire.} venire in the same form as a venire issued by a justice of the peace shall be issued by said recorder to some officer qualified to serve process from said court, commanding such officer to summon the six remaining persons to appear before said recorder to form a jury for the trial of said case. The persons so summoned and appearing shall be subject to challenge for cause in the same manner as a jury summoned before a justice of the peace, but shall not be subject to peremptory challenge. In case any of said original six shall not appear, or shall be excused for good cause from serving by the recorder, or for any reason shall not sit upon said case, said recorder shall issue an order to the officer to summon talesmen to complete said panel. To the talesmen so summoned each party shall be entitled to make the same challenges for cause as to the original panel, and one peremptory challenge and no more in addition thereto, and sufficient talesmen shall be summoned to complete the panel of six. The jury shall then be sworn and the trial proceed in the same manner as jury trials before a justice of the peace.

Sec. 18. Persons summoned as jurors and witnesses before said

received since his last monthly payment, and also stating the sources from which it was received. He shall also enter on his docket in such case the amount of moneys in any way paid to him by reason of said case.

Bond to city.

Sec. 10. Said recorder shall file such other bond to the city of Kalamazoo as shall be required of him by the city council.

**What to create
vacancy in office
of.**

Sec. 11. A vacancy shall occur in the office of said recorder upon the happening of any of the events mentioned in compiler's section six hundred and seventeen, of the compiled laws of the State of Michigan of eighteen hundred and seventy-one. Whenever a vacancy shall occur in said office, it shall be filled by appointment of the city council, which appointment shall hold good until the second Monday in April next after the election immediately following such appointment, and until the successor of the appointee is elected and qualified. In case a vacancy or a vacancy filled by

Filling vacancy.

appointment of the city council shall exist in the office of recorder at the time of any city election, there shall be elected at such election a recorder for the unexpired term of said office, who shall assume the duties of said office on the second Monday in April following his election, and shall hold his office for the remainder of the original term, and until his successor is elected and qualified.

**Who may act in
case of absence
of recorder, or
vacancy in office.**

Sec. 12. In case of the temporary absence or inability of said recorder to act, or in case of a vacancy existing in his office and for the time being not filled by election or appointment of the city council, the mayor of the city may designate any one of the justices of the peace of the city of Kalamazoo to act in his place until the recorder shall be able to assume his duties, or the vacancy be filled; and said justice when so acting shall have the same jurisdiction and be subject to all the requirements of this act in the same manner as if he were in fact recorder.

**Justices of peace
shall exercise no
jurisdiction in
certain cases.**

Sec. 13. After the recorder shall have entered upon the duties of his office, justices of the peace of the township and of the city of Kalamazoo shall exercise no jurisdiction in the class of cases herein provided to be brought in said recorder's court, except by designation as above, and except during the time that a vacancy unfilled by appointment shall exist in said office and while the mayor of the city shall have failed to designate any justice to act in the recorder's place during the period of such vacancy. But during the period of such unfilled vacancy and failure to designate, justices of the peace of the city of Kalamazoo shall have and exercise jurisdiction of the cases in this chapter given to the recorder, the same as if this chapter had never been passed. In case any proceeding or case under this act in any of the foregoing instances be commenced before a justice of the peace he shall retain jurisdiction of it to the end and completion of the same.

**Removal of pro-
ceedings to
circuit court.**

Sec. 14. An appeal or writ of *certiorari* shall be allowed to remove all proceedings in said recorder's court to the circuit court of the county of Kalamazoo in the same manner, and subject to like rules as appeals and writs of *certiorari* are allowed by the laws of the State of Michigan from criminal proceedings before justices of the peace: *Provided*, That in cases brought in said court under chapter

Proviso.

twenty-three of this act shall be removed to the appellate courts only in the manner in said chapter provided.

Sec. 15. The said recorder shall receive for his services a salary ^{Salary of recorder.} of one hundred and twenty-five dollars per month, payable by the city treasurer on the first day of every month, out of the general fund of the city on the voucher of said recorder; and all moneys paid into the city treasury by the recorder shall be placed to the credit of the general fund. Any justice of the peace acting as recorder ^{of justice act.} _{ing as recorder.} shall receive a similar amount in proportion, payable in the same manner, for the time he shall act; but two persons shall not receive salary as recorder for the same space of time.

Sec. 16. The supervisor of each ward on the second Monday in ^{Jury list.} April, July, October, and January, or if that be a legal holiday, on the day following, shall make and file with said recorder a list of twenty names of persons residing in his said ward not exempt from serving on juries, and qualified to serve as jurors in courts of record, and whose business renders them likely to remain permanently at home. Said names shall be written on separate slips of paper, and placed by the recorder in a box to be kept for that purpose. The ^{Trial by jury.} people, city, or any party to a suit or proceedings before said recorder shall be entitled to a trial by jury of six jurors, on making an oral demand for the same before the trial is entered upon: *Pro-
vided,* That in proceedings under chapter twenty-three of this act, the jury shall be selected in the manner in said chapter provided. In all cases where a jury is not demanded by either party, said recorder shall have jurisdiction to try, hear, and determine the issue without a jury.

Sec. 17. Upon a jury being demanded by either party, the ^{Drawing a jury.} recorder or his clerk shall, in the presence of both parties, draw from said box eighteen names, in the same manner that the county clerk is required to draw the names of jurors from the box upon the trial of causes in the circuit court, and from the eighteen names so drawn each party shall be entitled to reject six. A ^{Venire.} venire in the same form as a venire issued by a justice of the peace shall be issued by said recorder to some officer qualified to serve process from said court, commanding such officer to summon the six remaining persons to appear before said recorder to form a jury for the trial of said case. The persons so summoned and appearing shall be subject to challenge for cause in the same manner as a jury summoned before a justice of the peace, but shall not be subject to peremptory challenge. In case any of said original six shall not appear, or shall be excused for good cause from serving by the recorder, or for any reason shall not sit upon said case, said recorder shall issue an order to the officer to summon talesmen to complete said panel. To the talesmen so summoned each party shall be entitled to make the same challenges for cause as to the original panel, and one peremptory challenge and no more in addition thereto, and sufficient talesmen shall be summoned to complete the panel of six. The jury shall then be sworn and the trial proceed in the same manner as jury trials before a justice of the peace.

Sec. 18. Persons summoned as jurors and witnesses before said

Compelling appearance of jurors and witnesses.

recorder may be compelled by said recorder to appear and serve or testify, and shall be subject to like penalties for not appearing and serving or testifying as if said recorder were a justice of the peace, and they were summoned before him. The powers of the recorder to compel such attendance and to punish persons for contempt of court, shall be the same as those exercised under State laws by justices of the peace.

Fees of officers, jurors, and witnesses.

Sec. 19. Officers, jurors, and witnesses serving or testifying in said court, shall receive the same fees payable in like manner out of the county treasury as officers and jurors serving and witnesses testifying before a justice of the peace, except when they shall serve in cases where the fine or penalty, if any were imposed, would be paid into the city treasury; and in such cases they shall receive the same fees as before, but payable by the city treasurer out of the general fund, upon the voucher of the recorder that the services have been rendered.

Recorder to receive no fees.

Sec. 20. Said recorder shall receive no fees for the services specified in this chapter, except his salary.

Further provision for drawing juries.

Proviso in reference to excusing jurors who have served before, etc.

Sec. 21. After a jury has been drawn the recorder shall return the names drawn out to the jury box, and each succeeding jury shall be drawn from a full box: *Provided*, That any juror who has served twice in the same three months, or four times in any one year in said court shall be excused from again serving as a juror in said court during the same year if he shall so desire. The year last above mentioned shall be deemed the year commencing with the second Monday in April. On receiving new lists from the supervisors at the end of every three months the recorder shall withdraw all names in the box and supply it with the names from the new lists returned, written as before.

When laws referred to, what laws shall govern.

Sec. 22. Whenever in this chapter the laws of the State of Michigan are referred to in relation to justices of the peace, and proceedings before them for the purpose of conferring like powers and jurisdiction on the recorder and creating similar appellate proceedings from his court, the laws of the State of Michigan as they existed previous to the session of eighteen hundred and eighty-two-eighty-three shall govern; and such reference shall be deemed made to such general laws as relate to justices of the peace, and not to city justices created by this act, except when such city justices are particularly named.

Recorder's court to be a court of record.

Sec. 23. The said recorder shall have a seal of office, and his court shall be deemed a court of record, and copies of all records therein, duly certified by him under seal to be correct, shall be received in evidence without further proof in all of the courts of the State of Michigan.

Jurisdiction in imposing fines, etc.

Sec. 24. Said recorder shall have the same jurisdiction to impose fines, penalties, forfeitures, and to sentence to imprisonment and issue the proper commitments in cases brought before him under the State laws as a justice of the peace has in similar cases, and shall have jurisdiction to impose all fines, penalties, and forfeitures, and to sentence to imprisonment and issue the proper commitments in cases arising under the city ordinances.

Sec. 25. He shall also have all power, authority, and jurisdiction within the city limits which a justice of the peace has in criminal cases under the general laws of the State, except as in this act otherwise provided, or when the provisions of this act are inconsistent therewith. In all actions under the city ordinances, said recorder shall be vested with both the criminal and civil jurisdiction given by State laws to justices of the peace, except that in cases of jury trials, the jury shall be drawn as provided in this chapter of this act.

CHAPTER XVII.

POWERS AND DUTIES OF THE CITY COUNCIL.

SECTION 1. The legislative control and authority of said city shall be vested in the city council. Said council shall have control of all the finances, rights, and interests, buildings and property, personal and real, belonging to said city, and may make such ordinances and by-laws, rules and regulations in regard to the same as said council may deem necessary for the care, protection, and use thereof, and shall have authority to enact all such ordinances, by-laws, rules, and regulations as may be necessary to carry into effect the powers by this act conferred, and to alter, amend, and repeal the same at pleasure.

Sec. 2. Said city council shall have authority to adjust and settle all accounts and claims against said city, and no suit or action shall be maintained against said city on any account or claim until the same shall have been presented to said council, and said council shall have had an opportunity to pass upon the same.

Sec. 3. A majority of the city council shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time.

Sec. 4. In case of the absence of the mayor, or his inability to act for any reason, said council shall have power to select from its own number a president *pro tem*, who shall have all the power and perform all the duties of the mayor for the time being.

Sec. 5. The said city council are vested with full power to appoint the city officers provided for in this act, to compensate the same from the funds of said city, and prescribe their powers and duties not specifically defined by this act.

Sec. 6. The city council shall hold stated meetings as often as once in each month, and may hold special meetings as often as necessary. The time of holding stated meetings shall be fixed and determined by said council, and if any stated meeting shall fall on a legal holiday, such meeting, by reason thereof and without further action by said council, shall stand adjourned until the next succeeding day upon which the same can be legally held. Within one week after each meeting of the city council all the proceedings taken thereat shall be published in at least one newspaper in said city.

Sec. 7. The city council shall have authority to appoint and compensate a civil engineer, who shall have such power and perform such duties pertaining to his office as the council may prescribe.

- Street commissioner.** Sec. 8. The city council shall have authority to appoint and compensate a suitable person as street commissioner of said city, who shall have such power and perform such duties pertaining to his office as the council may prescribe.
- Deputy marshal.** Sec. 9. The city council may, if they deem it necessary, on the nomination of the marshal, appoint and compensate a deputy marshal, who shall be subject to the control of the marshal and have the same powers and perform the same duties as the marshal, and for whose acts the marshal shall be responsible.
- Registration, &c.** Sec. 10. The city council may provide by ordinance for the registration, previous to any election, of the electors of said city.
- Borrowing money.** Sec. 11. The city council shall have power to borrow money, for necessary expenses and public improvements in said city: *Provided*, That it shall not be lawful for said city council to borrow more than ten thousand dollars in any one year, unless the question of raising a greater sum shall first be submitted to the electors of the several wards of said city, at its annual election or at a special election called for that purpose by the city council, and a majority of the qualified electors thereof, voting at such election, shall vote by ballot for the same.
- Investigate charges against officers.** Sec. 12. The city council shall have power to investigate charges against any officer of the city, and such other municipal matters as they may deem proper to investigate. To enable said council so to do, any justice of the peace of the city of Kalamazoo is authorized, at the request of the council or the chairman of any investigating committee, to issue subpoenas or process by warrant to compel the attendance of persons and the production of documents, books, and papers before said council or committee; and the mayor of the city shall have like power to issue such subpoena and process.
- Administrator oaths.** Sec. 13. Whenever the city council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before such council or committee, the presiding officer of the council or chairman of such committee, for the time being, shall have power to administer the necessary oaths, and such council or committee shall have the same power to compel witnesses to testify as is conferred on justice courts.
- Acquisition, etc., of property, buildings, etc.** Sec. 14. The city council may acquire, purchase, improve, repair, erect or lease all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate, and own such real estate and property as may be necessary for public grounds, parks, commons, markets, public buildings, cemeteries, and other purposes necessary or convenient for the public good, and the execution of the powers by this act conferred; such buildings and grounds or any part thereof may be sold at either private sale or public auction, or leased, as occasion may require, by the city council: *Provided*, That no money shall be taken or appropriated from the funds of said city for the purpose of purchasing any building-site, erecting any public building or establishing any park, common, public ground or market, without the concurring vote of two thirds of all the members of the city council.

Sec. 15. The city council shall have authority to lay out, establish, Parks, public
enlarge, vacate, and discontinue, within the corporate limits of the grounds.
city, parks and public grounds, and to improve, light, and ornament
the same, to regulate the care thereof, and to protect the same and
all the appurtenances thereto from obstructions, encroachments,
injury, and all nuisances: *Provided*, That nothing herein contained *Proviso*.
shall authorize the vacating or discontinuance of "Bronson park" in
said city.

Sec. 16. The city council shall have full power and authority to Highways,
lay out, establish, open, alter, widen, repair, light, and improve avenues, streets,
highways, avenues, streets, lanes, alleys, drains, water-courses, cul-
verts, and bridges in said city whenever said council shall deem the
same a public improvement or necessity, and may regulate the use
thereof, and protect the same from obstruction, encroachment, and
injury. If in laying out, establishing, opening, altering, widening,
repairing, or improving any highway, street, lane, avenue, alley,
drain, water-course, culvert, or bridge, it shall be necessary to take
or use any private property, the same may be appropriated in the
manner provided in this act for taking private property for public
use. The whole or any part of the expense of any such improve-
ment may be paid out of the funds of the city. If it shall be deter-
mined that the city pay only a portion of such expense, the balance
thereof shall be paid by special assessment upon the property adja-
cent thereto and benefited thereby, and such special assessments
may be levied and collected as provided by this act for levying and
collecting special assessments.

Sec. 17. The city council of said city shall be highway commis- Council to be
sioners for the same, and shall have and exercise the same powers highway com-
given by statute to highway commissioners of townships, so far as missioners.
applicable, and except as herein otherwise provided.

Sec. 18. The city council shall have power to determine and Establishing
establish the grade for all streets, avenues, alleys, and public grounds grades.
within said city, and may change or alter such grades, or any part
thereof, whenever, in their opinion, the public convenience will be
promoted thereby. Whenever a grade shall be established or altered Record of.
a record thereof shall be made in a book to be provided by the
council for that purpose.

Sec. 19. The city council may cause all public streets, alleys, To establish
and public grounds to be surveyed and may determine and estab- boundaries of
lish the boundaries thereof, and cause the surveys and descriptions
thereof to be recorded in a book kept for that purpose in the office
of the city clerk and to be designated "Book of Street Records."
Such record shall be *prima facie* evidence of the existence of such
streets, alleys, or public grounds, and of the boundaries of the same.

Sec. 20. The city council shall have power to cause the public Macadamizing,
streets, highways, avenues, and alleys in said city to be graded, paving, etc.
macadamized, paved, planked, or graveled, and otherwise improved
and repaired, and the gutters paved. The cost and expense thereof
may be paid by the corporation, or the same or any part thereof
as the council may determine, may be assessed on the property
adjacent thereto and benefited thereby. Such assessments may be

levied and collected as by this act provided for levying and collecting special assessments. The terms "paved" and "macadamized" shall be deemed to include gutters, curbing, cross-walks, and ballasting.

Sidewalks.

Sec. 21. The city council shall have power to regulate the construction of all sidewalks and cross-walks in the public streets and alleys of said city, and may prescribe the grade thereof and change the same when deemed necessary. Said council shall have power to order the construction and maintenance of sidewalks and crosswalks in the public streets and alleys of said city and charge the cost and expense of sidewalks upon lots and premises abutting upon such walks.

Idem.

Sec. 22. The city council shall have power to require the owners and occupants of all lots and premises to construct, repair, and maintain sidewalks in the public streets and alleys of said city whenever said council shall deem the construction, repair, or maintenance of the same a public necessity; and said council shall have power to require all sidewalks to be constructed and laid upon such lines and grades, and of such width and materials, and manner of construction, and within such line, as said council may order, or by resolution or ordinance prescribe.

Idem.

Sec. 23. If the owners or occupants of any lot or premises shall fail to construct, repair, or maintain any particular sidewalk, as mentioned in the last section above, the city council may cause the same to be done at the expense of such owner or occupant. Such expense may be assessed upon the premises adjacent thereto as provided in this act and be collected with the annual taxes therein, or the same, together with costs of suit, may be recovered in an action of assumpsit, and in all such actions it shall be sufficient, as a declaration, to declare on the common count in assumpsit for labor and materials furnished, and a statement of the materials furnished and labor expended in constructing any such sidewalk with the value of such material and labor, verified by the officer under whose charge any such walk may have been constructed, shall be *prima facie* evidence of the right of the city to recover the same.

Additional powers of council.

Sec. 24. The city council, in addition to the powers and duties especially conferred upon them by this act, shall have full power and authority to enact, make, continue, establish, modify, amend, and repeal at pleasure, such by-laws, rules, ordinances, and regulations as they may deem desirable for the following purposes:

To prevent vice, immorality, etc.

First, To prevent vice and immorality, to preserve the public peace and good order, to regulate the police of the city, to prohibit, prevent, and quell riots, disturbances, and disorderly assemblies in streets or elsewhere in said city; and to prohibit the use of vulgar and indecent language in the public streets and places of said city;

Disorderly houses.

Second, To prohibit, prevent, and suppress disorderly and gaming houses, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables and bowling alleys;

Gaming.

Third, To prohibit, restrain, or prevent persons from gaming for money or other valuable thing, with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines,

or other instruments or devices whatsoever, and the keeping of any building, place, instruments, devices, or means for such gaming;

Fourth, To prohibit, prevent, and suppress all lotteries for drawing or disposing of money or property, or valuable thing whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the direction, maintenance, or management thereof;

Fifth, To forbid and prevent the vending or other disposition of spirituous liquors and intoxicating drinks in violation of the laws of the State, and to prohibit, restrain, and regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law, and to fix the fee to be paid by auctioneers;

Sixth, To prohibit, prevent, abate, or remove nuisances of every kind, and to declare what shall be considered nuisances, and to compel the owner or occupant of any grocery, provision store, tallow chandler shop, butcher's stall, slaughter house, market, soap factory, tannery, stable, privy, privy vault, hog-pen, sewer, or other unwholesome house or place, to cleanse, remove, or abate the same from time to time, as they may deem necessary for the health, comfort, and convenience of said city;

Seventh, To direct the location of all buildings for storing gunpowder or other combustible or explosive substances; to make regulations concerning the buying, carrying, selling, keeping and using gunpowder, fire-crackers or fireworks, or other combustible, inflammable, explosive, or dangerous articles; the exhibition of fireworks and the discharge of cannon and fire-arms; and the use and kind of lamps or lights to be used in barns, stables, and all buildings usually regarded as extra hazardous on account of fire, and to regulate, prevent, and restrain the making of bonfires in streets, lanes, alleys, and public places;

Eighth, To prohibit and prevent obstructions and incumbrances in the public highways, streets, and alleys, and to remove the same; to prohibit encroachments upon any public street, highway or alley; and to punish those who shall obstruct, incumber, encroach, or maintain any encroachment upon any street, highway or alley in said city, and to require all such persons to remove every such obstruction, incumbrance or encroachment; to regulate and prohibit the placing of signs, goods, wares and merchandise, boxes, vegetables and other materials on public sidewalks; to regulate and prohibit the suspension of signs, banners, advertisements and devices in, over, across, or upon any public street or alley; and to regulate the suspension of awnings; to regulate or prohibit awnings, all such sports, amusements, proceedings, and gathering of crowds in sports, etc. the street as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to regulate, prohibit, or prescribe the manner of placing telegraph poles or poles of any kind in the public streets and grounds; to regulate the manner of making all openings in and removals of the soil of public streets for the laying or repair of sewers, drains, tunnels, gas-pipes, water-pipes, or for any other purpose, and may prevent all such removals and openings of the soil, except by express permis-

sion of the city council, and at such times and upon such terms and regulations as they may prescribe ; to prevent any willful injury to streets, side-walks, cross-walks, and gutters ; to prohibit, prevent and remove and abate all nuisances in the public streets, alleys, highways, and public grounds, and to require the authors and maintainers thereof to remove the same ; and generally, to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and the safety of persons and property in lawful use thereof;

Hitching of horses, etc.

Ninth. To require any horse, horses, mules, or other animals attached to any vehicle, or standing in any of the streets, lanes, alleys, or public grounds or places in said city, to be securely fastened, held or watched, and to prevent horse-racing and immoderate riding or driving in any street, lane or alley, and to authorize the stopping and detaining of any person who shall be guilty of racing or any immoderate riding or driving in any street, lane, or alley, and to regulate riding and driving over bridges in said city;

Railways, locomotives, and cars.

Tenth. To determine and designate the route and grade of any street railway to be laid or constructed in said city, and to regulate the use and speed of locomotives, engines, and cars upon railroads within said city, and to compel the railroad companies, their officers, agents, managers, and employés, to station flagmen at street crossings, and to prescribe the length of time that engines and cars may stand on said streets or street crossings or otherwise obstruct them, or to prohibit the same, and to make such other rules and regulations concerning the same as to secure the safety of the citizens or other persons;

Drunkards.

Eleventh. To restrain and punish drunkards, vagrants, mendicants, and street beggars soliciting alms and subscriptions for any purpose whatsoever;

Bathing, clearing of ponds, etc.

Twelfth. To regulate or prohibit bathing in any public place ; to provide for clearing the river, ponds, and streams within the limits of said city, and the races and canals connected therewith, of all driftwood, and noxious matter, and to prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome, and offensive, or drawing the water therefrom at such times and to such an extent as to make localities near them unhealthy, or to cause the atmosphere in their vicinity to be unwholesome or offensive ; to designate the location of all stock yards, and to regulate and cause the same to be removed to such localities ;

Pounds.

Thirteenth. To establish and regulate one or more pounds, and to prevent the running at large of horses, cattle, swine and other animals, geese, chickens, turkeys, and other fowls, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding;

Dogs.

Fourteenth. To prohibit and prevent the running at large of dogs, to require them to be muzzled, and to authorize them to be killed when running at large in violation of any ordinance, and to prohibit any person from placing, exposing, or administering any poison to any fowl, dog, or other animal not his own ;

Fifteenth, To prohibit any person from bringing into said city or depositing or suffering to remain therein, any dead carcass, or other unwholesome or offensive substance ; to compel the removal or destruction of all putrid meats, fish, and offensive vegetable matter ;

Sixteenth, To compel all persons to keep sidewalks in front of or adjoining premises, owned or occupied by them, clear from snow, ice, dirt, signs, boxes, goods, wares, merchandise, and other obstructions ;

Seventeenth, To prevent or regulate the ringing of bells, and crying of goods and other commodities or other disturbing noises in the streets, lanes, alleys, or in any public place, or on private property adjoining thereto ;

Eighteenth, To prescribe the powers and duties of policemen and watchmen not specifically defined by this act, and to require them to be uniformed and to fix their compensation ;

Nineteenth, To provide for the sealing of weights and measures ; to enforce the keeping and use of proper weights and measures by venders ; and to regulate the construction, repair, and use of vaults, cisterne, areas, hydrants, sewers and gutters ;

Twentieth, To regulate all graveyards in said city and the burial of the dead ;

Twenty-first, To regulate the markets, the vending of hay, wood, meats, vegetables, fruit, fish, grain and provisions of all kinds, and of other goods or property in the streets, lanes, alleys, and public places, and to provide or prescribe stands for exposing the same for sale ; to regulate the inspection, weighing, and measuring of brick, lumber, wood, coal, hay, and any articles of merchandise ;

Twenty-second, To establish, provide, and regulate water-works, to prevent the waste of water and to regulate and control the use thereof ; to provide for and regulate connections with the water pipes and mains in said city and to punish for all unauthorized connections and interference with the same ; and to regulate water-rates and charges for the use thereof and to provide for the collection of the same ;

Twenty-third, To provide for and regulate the lighting of streets, alleys, and public places, and to provide for the protection and safety of public lamps and property used for or in connection with any system of lighting ; to employ suitable persons to superintend the same and fix their compensation ;

Twenty-fourth, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, or railroad ; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, hacks, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for carrying persons or goods for hire, and to fix and regulate their rates of fare and compensation ; to license and regulate all vehicles of every kind used for the transportation of persons or property for hire in said city, and to prescribe stands for the same ;

Twenty-fifth, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meats, and other provisions.

provisions ; to regulate and license all taverns and houses of public entertainment, all saloons, restaurants, and eating houses;

Peddlers, etc.

Twenty-sixth, To license hawkers, peddlers, and pawnbrokers, and hawking and peddling, and to regulate, license, or prohibit the sales or peddling of goods, wares, merchandise, or any kind of property by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicles, or other device, in the streets, highways, alleys, or in or upon any public grounds or buildings in said city :

Auctions, and auctioneers.

Twenty-seventh, To license auctioneers, auctions, and sales at auction ; to regulate or prohibit the sale of live or domestic animals at auction in the streets, alleys, or upon any public grounds within the city ; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public bidding or offers ; to license the same and to regulate the fees to be paid by auctioneers ; but no license shall be required in case of sales required by law to be made at auction or public vendue ;

Circuses, shows, etc.

Twenty-eighth, To regulate, license, restrain, and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions for which money or other reward is in any manner demanded or received ; lectures on historic, literary, and scientific subjects excepted ;

Disturbance of religious meetings, etc.

Twenty-ninth, To prevent and punish for the disturbance of any religious meeting, congregation, or society, or other public meeting assembled for any lawful purpose ; and to prevent and punish for assembling or loitering about churches during the progress of any religious meeting or at the close thereof ;

Hitching posts, etc.

Thirtieth, To provide for and regulate a place or places for hitching teams in said city, to erect and maintain suitable hitching posts ; to prohibit all practices, amusements, and doings in the streets, lanes, alleys, and public places in said city, having a tendency to frighten teams and horses, or dangerous to life, limb, or property ; to remove, or cause to be removed therefrom, all buildings and structures that may be liable to fall, and endanger life,

Dangerous structures.

limb, or property ; to preserve quiet and good order in the streets and other public places, and at the arrival and departure of railroad trains ; to prevent assemblages on street corners or other places in the public streets to the annoyance or inconvenience of pedestrians ; to prevent persons, not passengers, or railroad employés

Assemblages in streets.

from jumping on and off of cars ; to prescribe and regulate the manner and places in which drivers, porters, runners, solicitors, agents, and baggage collectors for hotels or public houses or places of public resort, draymen, cabmen, cartmen, hackmen, omnibus drivers, and solicitors for passengers or baggage, with their drays, carts, cabs, carriages, sleighs, hacks, omnibuses, or other vehicles, shall stand at any depot or other place in said city ;

Unsafe buildings, etc.

Thirty-first, To prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations in relation to buildings deemed unsafe ; to regulate and compel the covering of mill-

races; to regulate, improve, alter, widen, or change the channel of Arcadia brook and other streams flowing through said city, on making compensation to persons whose property may be taken for such purpose;

Thirty-second, To regulate the construction of private drains, sinks, cess-pools, and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same, and to pull down or remove any buildings, fence, or structure which may be unsafe or liable to fall and injure persons or property, or to cause the same to be done by some proper officer of the corporation, and to assess the expense thereof on the lot or premises having such building, structure, private drain, sink, cesspool, or privy thereon; Construction of
private drains,
etc.

Thirty-third, To fix and regulate the compensation of all officers of the city in cases not herein otherwise fixed or regulated by law; to fix and regulate the fees of justices of the peace, jurors, and witnesses in any proceeding under this act, not herein otherwise fixed or regulated by law; Fixing compen-
sation of officers,
fees, etc.

Thirty-fourth, To prohibit, prevent, and suppress the sale of every kind of unsound, nauseous, or unwholesome meat, poultry, fish, vegetables, or other articles of food and provisions; Unwholesome
food, etc.

Thirty-fifth, To prohibit, prevent, and suppress the keeping of houses of ill fame or assignation, or for the resort of common prostitutes; disorderly houses and places; to restrain and punish the keepers thereof, and persons found therein; to punish and restrain common prostitutes, vagrants, and drunkards, and disorderly persons; to prohibit, prevent, and suppress mock auctions and every kind of fraudulent game, device, or practice, and to secure said city and its inhabitants against injuries by fires, thieves, robbers, burglars, and other persons violating the public peace; Disorderly
houses, etc.

Thirty-sixth, To prohibit and prevent, within certain limits or districts in said city, the location or construction of buildings for storing gunpowder, tanneries, distilleries, buildings for the manufacture of any combustible or inflammable material, slaughter houses and yards, butchering shops, soap factories, candle, starch, and glue factories, establishments for steaming or rendering lard, tallow, offal, and such other substances as can be rendered into tallow, lard, or oil, and all establishments where any nauseous, offensive, or unwholesome business may be carried on; and such buildings, factories, shops, and establishments as aforesaid, now or hereafter to be constructed in said city, together with blacksmith shops, foundries, cooper shops, steam boiler factories, carpenter shops, planing establishments, and all buildings usually regarded as extra hazardous in respect to fire shall be subject to such regulations in relation to their construction and management as the city council may make, with a view to the protection of any persons or property from fire, or for the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances; To prevent dan-
gerous, unwhole-
some, or offen-
sive business,
etc.

Thirty-seventh, To determine and regulate the construction of division or partition fences, and of partition walls, the walls of buildings and their thickness; to regulate the construction of chimneys, pipes, etc. Partition fences
and walls, chim-
neys, stove-
pipes, etc.

hearts, fire-places, and fire-arches, ovens, and the putting up of stove-pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fire; to compel and regulate the cleaning of chimneys, flues, and fix the fees therefor; to compel and regulate the construction of ash houses or depositories; to guard against fire; to compel the owners of buildings to have scuttles in the roofs thereof and ladders leading thereto; to authorize the proper officers to examine all buildings and enclosures to discover whether the same are in a dangerous or unwholesome state, and to cause such as are dangerous or unwholesome to be put in a safe and wholesome condition; to authorize the officers of the city to keep all suspicious persons away from the vicinity of fires and to compel persons to aid in the extinguishment of fires and in the preservation of property exposed to danger therefrom;

Census.

Thirty-eighth. To provide for taking a census of the inhabitants of said city whenever the city council may see fit; to erect and provide for the erection of all needful buildings and offices for the use of the city or its officers, and to control and regulate the same; to provide for printing and publishing matters required to be printed and published under this act or by order of the city council; to purchase and control land for cemetery purposes either within or without the corporation limits of said city;

Indigent persons.

Thirty-ninth. To provide for the protection and care of indigent persons and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon said city;

Toy pistols, etc.

Fortieth. To prevent and regulate the sale, giving away, or keeping for sale of toy pistols and all other toy instruments and devices in which gunpowder or other explosive material is used, and to prohibit the use of slings and devices commonly called "bean flippers" and "blow-guns;"

Shade and ornamental trees.

Forty-first. To provide for and regulate the planting of shade and ornamental trees in the public highways, streets, and avenues of said city; to protect the same from injury, and to protect the shade trees in the public streets, highways, alleys, parks, and public grounds of said city from injury and destruction;

Street railways.

Forty-second. To permit the construction and operation of street railways in said city and to regulate the same;

Exclusive permits.

Forty-third. No exclusive permits or privileges shall be granted by the council to any person or persons, or to any corporation for any purpose whatever;

Safety, good order, etc.

Forty-fourth. Further, said city council shall have authority to enact all ordinances and make all such regulations consistent with the laws and constitution of the State as they may deem necessary for the safety, order, and good government of the city, and the general welfare of the inhabitants thereof and the protection of property therein, and to enforce the same by suitable fine, penalty, forfeiture, costs, or imprisonment, or by fine and imprisonment, or by fine, imprisonment, and costs.

Granting, revoking, etc., of licenses.

SEC. 25. The city council may prescribe the terms, conditions, and time, not exceeding one year, upon which licenses may be granted,

and direct the manner of issuing and registering the same, and by what officer they shall be issued and revoked, and prescribe the amount of money that shall be paid therefor. Licenses shall not be transferable. Every license shall be revocable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license. The city council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade or do anything for or in respect to which any license shall be required by any ordinance or regulation of the said council or by this act. All sums received for licenses granted for any purpose by the city under its authority shall be paid into the city treasury to the credit of the general fund.

Punishment for
doing certain
business without
license, etc.

License money
to go to general
fund.

Sec. 26. The city council of said city shall have authority to permit any railroad company to lay its track and operate its road with steam locomotives in or across the public streets, highways, or alleys of said city, as said council may deem expedient, upon such terms and conditions and subject to such regulations, to be observed by the company, as the council may require; and to prohibit the laying of such track or the operating of any such road except upon such terms and conditions.

Regulation of
laying of rail-
road tracks, etc.

Sec. 27. The city council shall have power to require and compel any railroad company, and any street railway company, to make, keep open, and repair such ditches, drains, sewers, and culverts along, under, and across their railroad track as may be necessary to drain their grounds and right of way properly, and in such manner as the council may direct, and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirement, according to the direction of said council, said council may cause the work to be done at the expense of such company, and the amount of such expense may be collected of such company at the suit of the city of Kalamazoo, in a civil action before any court having jurisdiction of the cause.

Compelling rail-
road companies
to open and
repair ditches,
culverts, etc.

When companies
neglect to com-
ply.

Sec. 28. Said city may acquire, hold, own, control, and regulate such cemeteries and grounds for cemeteries or public burial place or places, either within or without the limits of the corporation, as in the opinion of the city council shall be necessary for the public welfare. Said council shall have power to order the use, for burial purposes, of any burying ground or cemetery belonging to the city, to be discontinued whenever they may deem the same necessary; and to provide for the return of bills of mortality, and burial statistics.

Regulation of
cemeteries.

CHAPTER XVIII.

SEWERS AND DRAINS.

SECTION 1. The city council shall have full power to establish, construct, maintain, repair, enlarge, and discontinue, within the

Construction and repair of sewers, drains, etc.

highways, streets, alleys, public and private grounds of said city, such sewers, lateral sewers, and drains as they may deem necessary, or which in the determination of the council may be deemed necessary for the preservation of the general health of the city; such sewers may be constructed of such form and material as the council may deem best; said council shall have full power and authority to carry out and complete under the provisions of this act, any system or plan of sewerage heretofore adopted for said village of Kalamazoo the same in all respects, so far as possible, as if such system or plan had been adopted after the passage of this act.

Taking of private property for.

Sec. 2. Whenever the city council shall determine that it is necessary to take or appropriate any private property through or upon which to construct any sewer or drain, the same may be taken or appropriated as provided in this act for taking private property for public use.

Expense of construction.

Sec. 3. The expenses of constructing any sewer, lateral sewer, connecting sewer, or drain may be paid by special assessment upon the property adjacent thereto or benefited thereby in the manner in this act provided for levying and collecting special assessments, or in the discretion of the city council, any portion of such cost and expenses may be paid by special assessment as aforesaid and the balance from the funds of said city.

Council may order construction of drains.

Sec. 4. The city council may direct and regulate the construction of sewers and drains for the purpose of more effectually draining all lots, cellars, yards, sinks, privies, and cesspools within the limits of said city, whenever, in their opinion, the same shall be necessary. Such sewers and drains shall be constructed through any of the streets or alleys adjoining or in front of the premises through which sewers or drains shall be ordered constructed and the council may assess the whole or any part of the expense thereof on such lots and premises benefited thereby.

Ordering construction of private drains.

Sec. 5. The said city council may, when they deem it necessary, direct the owner or occupant of any premises, lots, and subdivisions thereof within said city, and contiguous to any public sewer or drain, to construct, alter, or repair private drains, and sewers from such premises, lots, and subdivisions thereof, connecting with such public sewer or drain aforesaid, and in case any such owner or occupant shall neglect or refuse to construct, alter, or repair such private drain or sewer as directed by said council, said council may cause the same to be done under the direction of some officer of the city and the cost and expense thereof may be assessed on such premises, lots, or subdivisions thereof and collected as in this act provided for the collection of special assessments, or the same may be collected by suit in the name of the city of Kalamazoo, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money, labor, and material furnished shall be sufficient.

In case of neglect or refusal.

Sec. 6. The city council shall have power to direct and regulate all house connections with any public sewer, and may provide

Connections with public sewers.

by ordinance for the punishment of persons violating such regulations or any other regulation or ordinance in relation to sewers or sewerage; any person or officers of the city, under the direction of the city council, shall have the right and are hereby authorized to inspect any premises, house, or other building, for the purpose of examining the sewerage or sewer connections, or to repair, alter, or construct any sewer or drain which any owner or occupant has failed or neglected to do, after having been so as aforesaid directed to do by said council.

Sec. 7. The said city council may provide for the levying and Tax for collecting of an annual tax for the purpose of constructing and keeping public sewers and drains in repair.

Sec. 8. The city council shall have power to pass such ordinances and make such rules and regulations in relation to sewers, sewerage, making sewer and house connections, and the property and material used in connection therewith, as they may deem necessary for the proper use and protection thereof, and to punish all persons guilty of violating the same; and said council shall also have power to license and regulate plumbers and other persons doing work in relation to constructing sewers and making sewer connections, and to prohibit other than those licensed from doing the same.

CHAPTER XIX.

FIRE DEPARTMENT.

SECTION 1. The city council shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for the same purpose, to establish and maintain a fire department, to organize and maintain fire companies, to employ and appoint firemen, to make and establish rules and regulations for the government of the department, the employees, firemen, and officers thereof, and for the care and management of the engines, apparatus, property, and buildings pertaining to the fire department, and prescribe the powers and duties of such employees, firemen, and officers.

Sec. 2. The city council may purchase and provide suitable Fire engines, fire engines, and such other apparatus and instruments and means etc. for the use of the department as may be deemed necessary, and make all necessary provisions for a convenient and sufficient supply of water for the use of the department.

Sec. 3. The city council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams, and fire apparatus belonging to the fire department.

Sec. 4. The city council may prescribe by ordinance for the fire wardens. appointment of and shall appoint such number of fire wardens as may be necessary; and for the examination by them, from time to time, of the stoves, furnaces, and heating apparatus and devices in or near the dwellings, buildings, and structures within the city,

and in all places where combustible or explosive substances are kept, and to cause all such as are unsafe with respect to fire to be put in safe condition.

Certain structures declared nuisance.

Sec. 5. Every building or structure which may be erected, placed, enlarged, repaired, or kept in violation of any ordinance or regulation in regard to fire, is hereby declared to be a nuisance, and may be abated [or removed] by direction of the city council.

Chief engineer and assistants.

Sec. 6. On the nomination of the organized and accepted fire companies in said city, the city council may appoint a chief engineer and such assistant engineers as said council may deem necessary, who shall have such power and perform such duties in relation to their respective offices as said city council may direct. Said city council may also appoint such other officers of the department as they may deem proper, and prescribe their powers and duties. In case said organized fire companies shall fail to nominate a chief and assistant engineer as is in this section provided, the city council may appoint the same without nomination by said companies.

Council may establish paid fire department, etc.

Sec. 7. The city council shall have power to establish a paid fire department and the officers and members thereof shall receive such compensation as said council may prescribe. The council shall have power to make such rules and regulations in regard to such paid departments as they may deem necessary and proper, including the power to appoint officers for such paid department without nomination from the firemen.

Members, exempt from serving on juries.

Sec. 8. The officers, firemen, and employés of any fire department of said city shall be exempt from serving on juries during their term of service.

Fire limits, etc.

Sec. 9. The city council may prescribe by ordinance, from time to time, limits or districts within said city within which wooden buildings or structures shall not be erected, placed, repaired, or enlarged; and to direct the manner of constructing buildings within such limits or districts, with respect to protection against fire, and the material of which the outer walls and roofs shall be constructed.

CHAPTER XX.

BOARD OF HEALTH.

Board of health, its powers and duties.

SECTION 1. The mayor and council, together with the health officer of said city, shall be and constitute the board of health of said city; and such board shall have such powers and perform such duties as are conferred upon and required of township boards of health by the general statutes of the State in regard to public health, now in force and which may be hereafter enacted.

Erection and regulation of city hospital.

Sec. 2. When the city council may deem it for the public safety, grounds and buildings for a city hospital may be purchased, erected, and maintained [within or] beyond the corporate limits of the city; and in such case the city council shall have authority to enact and enforce, within or beyond the corporate limits of the city, all such ordinances and police regulations as may be

necessary for the care and protection thereof and for the management and control of the inmates and persons employed in and about such hospital; and said city council shall have power to enact such ordinances, rules and regulations in regard to the public health of said city as are authorized by the general laws of the State, and such others as they may deem necessary for the proper care and protection of the inhabitants of said city.

CHAPTER XXI.

FINANCE AND TAXATION.

SECTION 1. The city council shall have power to raise annually, by taxation upon the real and personal property in said city, taxable under the constitution and laws of the State, such sum of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers by this act granted.

Sec. 2. The fiscal year of said city shall commence on the first ~~fiscal year~~ Monday in April in each year, unless otherwise provided by ordinance.

Sec. 3. The revenues raised by general tax upon the taxable property in the city, or by loan to be repaid by such tax, shall be divided into the following general funds :

First, General fund,—to defray the contingent and other expenses of the city, for the payment of which from some other fund no provision is made ;

Second, Fire and water fund,—to defray the expense of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to construct and maintain the fire department and water-works of the city ;

Third, Street and bridge fund,—to defray the expenses of opening, repairing, widening, extending, lighting, and altering streets, alleys, and public grounds, building and repairing bridges, for paving, curbing, macadamizing and graveling public streets, highways, avenues and alleys and intersections of public streets and alleys, and repairing the same; for cleaning public streets, alleys, and grounds and caring for the same, and for the construction and repair of cross-walks ;

Fourth, General sewer fund,—to defray the expenses of sewers, ditches and drainage and the improvement of water courses ;

Fifth, Special assessment funds,—any money raised by special assessment, levied in any special assessment district or locality to defray the expenses of any particular public improvement, shall constitute a special fund for the purpose for which it was raised ;

Sixth, Such other general funds as the city council may from time to time constitute.

Sec. 4. No moneys shall be transferred from one fund to another except upon the vote of a two-thirds majority of all the members of the city council.

Sec. 5. It shall be the duty of the city council to cause estimates to be made on or before the adoption of the general appropriation bill in each year, of all the expenditures which will be required to be

Power of council
to raise money
by tax.

Division into
funds.

Fire and water
fund.

Street and
bridge fund.

General sewer
fund.

Special assess-
ment fund.

Other general
funds.

Transfer of
money from one
fund to another.

Estimates of
amounts to be
expended.

made from the several general funds of the city during the current year for the payment of debts, making public improvements and repairs of all kinds, for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds of the city during the current year, and may estimate and determine the amount required to be paid from any special or district fund the council may create.

Council to determine part of special assessment to be assessed in next general tax roll.

SEC. 6. Said city council may also at the same time determine the amount of or part of any special assessment which they require to be levied, assessed, or re-assessed, in the next general tax rolls of the city, upon any parcel or parcels of land, or against any particular person or persons.

Annual appropriation bill.

SEC. 7. It shall be the duty of said city council to pass or adopt a resolution on or before the first day of October in each year, to be termed the annual or general appropriation bill, in which they shall make provisions for and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the current year, payable from the several general funds and from any special or district fund estimated and determined upon as provided in section five of this chapter, and order the same, or so much of said amounts as may be necessary, to be raised by tax in the next general tax levy, or by loan, or both, and to be paid into the several general funds and special or district funds of the city. The said city council shall specify in such resolution the object and purposes for which such appropriations are made, and the amount appropriated for each object and purpose, and to each of the several funds. Said council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment or other sum which they require to be levied or reassessed with the general tax as mentioned in section six of this chapter, and the dispositions to be made of such moneys; and may also designate in said bill any local improvements which they deem advisable to make during the current year to be paid for in part or in whole by special assessment, and the estimated cost thereof; and may by resolution levy the aggregate of the taxes mentioned in such appropriation bill upon the taxable property in said city liable for such tax or assessment.

Assessment of property.

SEC. 8. The supervisor of each ward in said city, shall, in each year, on or before the third Monday in May, make and complete an assessment of all the real and personal property in his ward liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner as required by law for the assessment of property in [the] townships of the State, and as if each ward were a township; and in so doing they shall conform to the provisions of law governing the actions of supervisors of townships performing like services, and shall have the same powers as such supervisors, and in all other respects they shall, unless otherwise provided in this act, conform to the provisions of law applicable to the actions and duties of supervisors in townships, in the assessment of property, the levy-

ing of taxes, and in the issuing of warrants for the collection and return thereof.

Sec. 9. The supervisors of the city shall constitute a board of review of assessments, and immediately after the completion of their assessments as provided in the preceding section, and on the Tuesday next following the third Monday in May, and before any tax shall be levied on the same, said board of review shall meet at some convenient place within the city limits, of the time and place of which meeting they shall previously give notice, by publishing the same once in each issue of one of the daily papers published in said city for the six issues next preceding the day of meeting. They shall also meet at the same place on the fourth Monday of May, and shall continue in session on both occasions the same length of time as provided by the State law for the session of the township boards of review. For the purpose of reviewing assessments, said board of review shall have the same powers and perform the same duties in all respects, so far as applicable and not otherwise provided by this act, as boards of review of townships, in reviewing and correcting township assessments.

Sec. 10. Said board of review shall also examine the assessment rolls of the different wards, and ascertain whether the relative valuation of the real property in the respective wards has been equally and uniformly estimated. If on such examination they shall deem such valuation to be relatively unequal, they shall equalize the same by adding to or deducting from the valuation of the taxable property in any ward or wards such an amount as, in their judgment will produce relatively an equal and uniform valuation of the real property in the city, and the amount added to or deducted from any roll shall be entered in their records. They shall also cause to be entered on their records the aggregate valuation of the taxable real and personal property of each ward in the city, as determined by them. Such equalization shall be for the purpose of equalizing the city, and school, and other local taxes as distinguished from State and county taxes, and the rolls of each supervisor shall be equalized by the county board of supervisors, the same as the rolls of the different townships in the county. The board shall also make such alteration of the names of persons, or the description of lands upon such rolls as may be necessary to render such name or description conformable to this act and the requirements of the State law. They shall also apportion the various city, school, and other taxes, except State and county taxes to the different wards; and for the purpose of such apportionment they shall take official notice of the general appropriation bill passed by the city council, and of the amount of school taxes certified by the district board of education of school district number one of the city and township of Kalamazoo to the city clerk. Such apportionment shall be in proportion to the valuation of [the] taxable property, real and personal, in the different wards, as determined by themselves as a board of review for that year, and shall be entered at large on their records. Said board of review shall have authority to equalize, alter, amend, and correct any assessment or valuation and to place on the

Equalization of local taxes.

Equalization of State and county taxes.

Correction of descriptions.

Apportionment of local taxes to wards.

How apportionment to be made.

Powers of board in equalization, corrections, etc.

assessment rolls of the city any taxable property, real or personal, liable to assessment and not already assessed, and to strike from said roll any property wrongfully thereon. When said board of review shall have reviewed, equalized, apportioned, and corrected the assessment rolls for any year, they shall add their certificate to such rolls signed by at least a majority of them, showing that they have reviewed, equalized, apportioned, and corrected the same. The roll of each ward shall then be delivered to the supervisor of the same. The supervisor of the township of Kalamazoo shall, on or before the first meeting of said board of review, certify to said board the valuation of the taxable property of school district number one, of the city and township of Kalamazoo which lies within said township, and said board shall, at the same time they apportion the other school taxes, also apportion the amount of school taxes to be raised on the valuation so certified by the supervisor, which apportionment they shall forthwith certify to the township clerk of said township.

Board to attach
certificate to
roll.

Rolls to be
delivered to
supervisor.
Certificate of
supervisor of
township of
Kalamazoo, etc.

Assessment of
school tax, etc.

Taxes to be set
down in different
columns, etc.

Supervisor to
notify treas-
urer of amount
of taxes, etc.

Treasurer to
give bond to
county treasurer.

Proviso.

Sec. 11. The supervisor of each ward, at the same time that he shall assess the State and county taxes, shall proceed to assess the taxes that have been levied by the city council, and voted by school district number one for school purposes, together with the one-mill tax, and apportioned by the board of review to his ward for the year, upon the taxable property of his ward, according to and in proportion to the individual and particular estimate and valuation as specified in the assessment roll of his ward for the year, as corrected by the board of review. Taxes for the several general funds of the city shall be set down in one column, and if there be other taxes assessed than for the said general funds, they shall be carried out in separate columns, and all special assessments required by the city council or the provisions of this act, to be assessed in such roll against any description of land shall be carried out in separate columns thereof, and the total amount of taxes and assessments shall be carried out in the last column of such roll.

Sec. 12. The supervisor of each ward, after receiving the certificate of the county clerk of the amount of State and county taxes apportioned to his ward, or taking official notice of the same as provided by the State law, shall on or before the fifteenth day in November, in each year, notify the city treasurer of the amount of such taxes, and also of the amount of all city and school taxes apportioned to his ward; and said treasurer shall, on or before the twenty-fifth day of November, give to the county treasurer a bond with sufficient sureties to be approved by the mayor of the city and the county treasurer, running to the county, in double the amount of the State and county taxes of which he shall have received notice from all the supervisors of the city, conditioned that he will pay over to the county treasurer, as required by law, all State and county taxes which he shall collect during his term of office, and duly and faithfully perform all the other duties of his office: *Provided*, That if the supervisors, or any of them, fail to give such notice, the treasurer may take official notice of the amount of said taxes.

Sec. 13. The city treasurer shall file a receipt from the county

treasurer for the bond mentioned in the preceding section, with the city treasurer to file receipt for bond with city clerk. Bond to city.

city clerk, on or before the first day in December. Said treasurer shall also, on or before the twenty-fifth day of November, give to the city clerk a bond running to the city, with sufficient sureties, to be approved by the mayor and city clerk, in a penalty fifty per cent in excess of the amount of city and school taxes certified to him by all the supervisors of the city, conditioned that he will pay over, and account for as required by law, all city and school taxes which he shall collect during his term of office, and faithfully perform all the other duties of his office.

Sec. 14. The supervisors of the different wards shall take official notice of the filing of said bonds and receipt, and after they are filed, on or before the first day in December, shall deliver to the city treasurer the tax rolls of their respective wards; and previous to the delivery of said rolls, each supervisor shall certify to the city clerk the aggregate of all city, school, and special taxes on his roll. The city clerk shall then charge the city treasurer with the total amount of such taxes as certified by all the supervisors of the city. A warrant shall be annexed to each roll under the hand of the supervisor, directing and requiring the city treasurer to collect from the several persons named in said roll the several sums mentioned therein, set opposite their respective names as a tax or assessment, and to retain in his hands the amount receivable by law into the city treasury, and to pay over to the county treasurer the amount therein specified for State and county purposes, on or before the first day of February next, and authorizing him, in case any person shall neglect or refuse to pay the sums taxed or assessed to him or them, to levy the same by distress and sale of the goods and chattels of such person, together with the costs and charges of such distress and sale. Said warrant may be extended from time to time by the city council, but not exceeding one month from the first day of February.

Sec. 15. The city treasurer, upon receiving such tax rolls and warrants, shall forthwith proceed to collect such taxes in the same manner as provided in the State law for the collection of taxes by township treasurers in townships, and charging the same percentage for collection fees as is in said State law provided.

Sec. 16. If any person shall neglect or refuse to pay the sum or sums which shall be taxed or assessed as aforesaid, the city treasurer is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving public notice, as is required by law to be given by township treasurers in similar cases, and said treasurer shall have the same powers and all his proceedings therein shall be the same as given by the general statutes of the State to township treasurers in similar cases, and in case the goods and chattels seized shall be sold for more than the amount of tax or assessments, with the charges of collection, distress, and sale, the surplus shall be paid to the owner of such goods and chattels on demand.

Sec. 17. If upon the return of the warrant and assessment roll, it shall appear that any tax or assessment other than State or county remains unpaid, the same may be collected of the person or persons

liable to pay the same, by suit in the name of the city of Kalamazoo, before any court of competent jurisdiction. In any such suit a declaration on the common counts for money had and received shall be sufficient, and the production of any assessment roll on the trial of any action brought for the recovery of a tax or assessment therein assessed may, upon proof that it is the original assessment roll with the warrant of the supervisor of the ward thereto annexed, be read or used in evidence; and if it shall appear from said assessment roll that there is a tax or assessment therein against the defendant in such suit, it shall be *prima facie* evidence of the legality of the assessment of the same; and the court before whom the cause may be pending shall proceed to render judgment against the defendant unless he shall make it appear that he has paid such tax or that the same is illegal; and no stay of execution shall be allowed upon any such judgment. Suits under this section may be brought before the city recorder, and in case they shall be brought before him, he shall have and exercise jurisdiction of them in the same manner as if he were a justice of the peace having the civil jurisdiction of justices of the peace under the State laws, except, that in case of a jury trial, the jury shall be obtained in the manner in this act provided for obtaining jurors in the recorder's court.

Statement to be returned to clerk upon expiration of warrant.

Sec. 18. At the expiration of his warrant the treasurer shall return to the city clerk a statement containing the names of all persons who have failed to pay any tax or assessment assessed to them in said rolls, except State and county taxes, together with a description of the property upon which such tax or assessment was levied; and in such statement the amount of the different taxes shall be placed in separate columns to correspond with the assessment rolls, and said treasurer shall verify such statement by his affidavit; such statement and affidavit, when certified to by the city clerk, shall be *prima facie* evidence of the regularity of said proceedings in all the courts in this State. Any tax returned unpaid may at any time before sale of the premises upon which the same was levied for non-payment thereof, with the interest thereon computed at the rate of ten per cent per annum, and costs of advertising for sale, if advertising for sale shall have been commenced, be paid to the city treasurer at any time before sale, and upon payment of the same, the treasurer shall credit the same to the general fund and give his receipt therefor. Said city treasurer shall take the same proceedings in relation to returns for State and county taxes delinquent, as are required by the State law to be taken by township treasurers. The county treasurer shall have jurisdiction of delinquent tax sales of lands returned as delinquent upon any of the tax rolls of the various wards of the city, so far as relates to delinquent State and county taxes only.

Sale of land for delinquent taxes.

Sec. 19. Whenever any such tax or assessment other than State and county and the interest thereon, which shall be computed at the rate of ten per cent per annum until paid, shall remain unpaid for two years from the date of the warrant to the city treasurer as aforesaid, the treasurer shall cause so much of the land, charged with such tax and assessment and interest, to be sold at public auction

at some public place in said city to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all charges thereon, first giving at least two months' notice of *Notice of sale.* the time and place of said sale, by advertisement posted up in three of the most public places in said city or by causing the same to be published in some newspaper printed and circulated in said city, once at least in each week for eight successive weeks, and an affidavit of the posting of such notices made by the person or persons posting the same, or if published in a newspaper, then by the publisher, printer, or foreman of the same, filed with the clerk of the city and entered by him in the record of the proceedings of the city council shall be deemed *prima facie* evidence of the fact of such posting or publication.

Sec. 20. If in making sale of any lot or parcel of land for non-
payment of taxes or assessment, it shall not be necessary to sell the *Treasurer to determine what portion to be sold.* whole lot or parcel taxed or assessed, the treasurer shall determine from what part of such lot or parcel of land, the part or portion sold shall be taken.

Sec. 21. On the day mentioned in said notice the said treasurer shall commence the sale of said lands and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed, and charged thereon as aforesaid; and the said treasurer *How sale to be conducted.* shall give to the purchaser or purchasers of such lands, a certificate, in writing, describing the lands purchased and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and unless within two years from the date of the sale thereof, there shall be paid to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of ten per cent per annum from the date of such certificate, the treasurer, or his successor in office shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, except it may appear that the tax or taxes have been paid, subject to all the claims the State shall have thereon, and the said conveyance shall be *prima facie* evidence that the sale and all proceedings upon which such sale is founded were regular, according to the provisions of this act; and every such conveyance executed by said treasurer, under his hand and seal, witnessed and acknowledged and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence.

Sec. 22. If any parcel of land cannot be sold to any person for the tax, interest, and charges, such parcel shall be passed over for the time being, and after the advertised list has been offered, and before the close of the sale, all such descriptions as have not been sold shall be re-offered; and if on such second offer, or during the sales, the same cannot be sold for the amount aforesaid, said treasurer shall bid off the same for the city. *When treasurer to bid off lands for city.*

Such lands to continue liable to taxation.

Sec. 23. All lands bid in for the city, as provided in the last preceding section, shall continue liable to be taxed in the same manner as if they were not the property of the city and such tax shall be a charge upon said land.

Advertising sales.

Sec. 24. The city council may fix the amount that shall be charged for advertising the sale of lands for non-payment of taxes, but such amount shall in no case exceed forty cents for each description of land, and the expenses in advertising any land for sale, in pursuance of this act, shall, by the treasurer, be added to such taxes respectively as are charged upon lands and unpaid, in proportion to the number of descriptions of land assessed to each person.

Fees, in case of distress and sale.

Sec. 25. In case of distress and sale of goods and chattels for the payment of any tax, the treasurer or collecting officer may also collect on such sale one dollar and twenty-five cents over and above the tax as his fees for making such distress and sale.

Executions issued upon judgments for taxes.

Sec. 26. Executions issued upon judgments rendered for any tax may be levied upon any property, without exemption, the same as though seized for sale under warrants issued for the collection of taxes by township supervisors, and collected in the same manner, in all other respects, as provided by law for the collection of judgments.

Taxes a lien.

Sec. 27. All taxes levied upon real estate, and all assessments and charges made thereon for any purpose, shall remain a lien thereon from the time the same are levied and confirmed until paid.

Wards considered as townships for certain purposes.

Sec. 28. For the purpose of assessing, levying, and collecting taxes in the city of Kalamazoo, for State, county, city, school, and other purposes, each ward shall be considered as a township, and all provisions of law relative to collection of taxes levied in townships shall apply to the collection of taxes assessed and levied in the different wards of the city of Kalamazoo, except as in this act otherwise provided, or when the provisions of this act are inconsistent therewith.

School moneys to be paid to officers of school district.

Sec. 29. The amount of money raised for school purposes together with the one-mill tax in the city shall be paid on the order of the proper officer or officers of school district number one of the city and township of Kalamazoo; and in case the city treasurer shall not collect the full amount of taxes required by his warrants to be paid to said school district, said school money taxed in said rolls shall be paid in full by said treasurer.

CHAPTER XXII

SPECIAL ASSESSMENTS.

Making of special assessments.

SECTION 1. When by the provisions of this act the cost and expense of any local or public improvement may be defrayed in whole or in part by special assessments upon lands abutting upon and adjacent to or otherwise benefited by the improvement, such assessments may be made as in this chapter provided.

Board of assessors for.

Sec. 2. The supervisors of the several wards, or a majority of them, of said city of Kalamazoo, shall constitute a board of assessors for making special assessments. If a member of the board of assessors shall be interested in any particular special assessment, the city council shall appoint some other person to act in his stead in

making the particular assessment, who for the purposes of that assessment shall be a member of the board.

Sec. 3. When the city council shall determine to make any public improvement or repairs and defray the whole or any part of the cost and expense thereof by special assessment, they shall so declare by resolution, stating the improvement, and what part or portion of the expense shall be paid by special assessment, and what part if any has been appropriated from the general funds of the city or shall be borne by the city, and shall designate the lands and premises upon which the special assessment shall be levied.

Sec. 4. Before ordering any public improvement or repairs, any part of the expense of which is to be defrayed by special assessment, the city council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and file the same with the clerk.

Sec. 5. The costs and expenses of any improvement which may be defrayed by special assessment, shall include the cost of surveys, plans, assessments, notices, advertising and costs of construction.

Sec. 6. Special assessments to defray the cost of any improvement may be levied before making the improvement.

Sec. 7. When any special assessment is to be made *pro rata* upon the lots and premises for any improvement, according to frontage or benefit, the city council shall, by resolution, direct the same to be made by the board of assessors; and shall state therein the amount to be assessed, and whether according to frontage or benefits; and describe or designate the lots and premises or locality to be assessed.

Sec. 8. Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such persons and against the lands assessed to them the amount to be assessed, in the manner directed by the city council and the provisions of this act applicable to the assessment, and when such assessment is completed they shall report the same to the city council.

Sec. 9. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot, from the improvement.

Sec. 10. When any expense shall be incurred to the city upon or in respect to any single or separate lot or parcel of land or premises which by the provisions of this act the city council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land, on account of

the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred, the name of the owner or person chargeable therewith shall be reported to the city council in such manner as the council shall prescribe.

Expense charged against individual lots.

SEC. 11. The city council shall determine the correctness of such account, and the person, if known, against whom, and the premises upon which, the same shall be levied as a special assessment; and as often as the city council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively, to be reported to the assessors of said city for assessment.

Report to assessors.

SEC. 12. Upon receiving such report mentioned in the preceding section, the board of assessors shall make a special assessment roll and levy as a special assessment therein upon each lot or parcel so reported to them, and against the persons chargeable therewith, if known, the whole amount or amounts of all charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the city council.

Report to council.

SEC. 13. When any special assessment shall be reported by the board of assessors to the city council, as in this chapter directed, the same shall be filed in the office of the city clerk and numbered. Before confirming the assessment the city council shall cause notice to be published for one week at least, in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the city council and board of assessors will meet to review the same. Any person objecting to the assessment shall file his objections thereto in writing with the clerk of said city on or before the review day.

Filed and numbered.

Notice of meeting to review.

Objections filed with clerk.

Review, correction, etc., of assessment.

Certificate of confirmation.

Confirmation final.

Assessments a lien.

SEC. 14. At the time appointed for that purpose as aforesaid, the city council and board of assessors shall meet, and then or at some adjourned meeting, review the assessments, and the said city council shall correct the same if necessary and confirm it; or they may refer the assessment back to the assessors for revision, or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed the clerk shall endorse a certificate thereof upon the roll of each supervisor in whose ward, the whole, or any part of such special assessment shall be made, of the special tax belonging to, and to be assessed in his ward, and showing the date of confirmation.

SEC. 15. When any special assessment shall be confirmed by the city council it shall be final and conclusive. Special assessments shall be due and payable on confirmation.

SEC. 16. All special assessments shall, from the date of confirmation thereof, constitute a lien upon the respective lots and parcels of land assessed, and shall be a charge against the persons to whom assessed till paid.

Sec. 17. Should any special assessment prove insufficient to pay the improvement or work for which it was levied, and the expense incident thereto, the city council may make an additional *pro rata* assessment to supply the deficiency; and in case a larger amount has been collected than necessary, the excess shall be refunded ratably to those by whom it was paid.

Sec. 18. Whenever any assessment, heretofore or hereafter made, shall, in the opinion of the city council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the city council shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or not, have power to cause a new assessment to be made for the same purposes for which the former assessment was made. All the proceedings on such reassessment and for the collection thereof shall be conducted, as near as may be, in the same manner as herein provided for the original assessment; and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises and the reassessment shall to that extent be deemed satisfied.

Sec. 19. No judgment or decree nor any act of the city council vacating a special assessment, for any irregularity occurring after the same shall have been levied, shall destroy or impair the lien of the city on the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might have been lawfully assessed thereon.

Sec. 20. Whenever any special assessment shall be confirmed and be payable, the city council may cause the levy of the sums therein mentioned upon the respective lots and premises to which they are especially assessed, and against the persons chargeable therewith as a tax, upon the tax roll of the supervisor in whose ward the whole, or any part of such special assessment shall be made next thereafter to be made, of the tax belonging to his ward, in a column of special assessments, and thereupon the amounts so levied in said tax rolls shall be collected and enforced with other taxes in the city, and in the same manner, and shall continue to be a lien upon the premises assessed until paid, and when paid shall be paid into the city treasury.

Sec. 21. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the city council instead of requiring the assessment to be levied in the city tax rolls, as provided in the preceding section, may direct the assessment to be made in a special assessment roll and to be collected directly therefrom; and thereupon said board of assessors shall cause to be attached thereto a warrant under their hands, as a majority of said board, commanding the city treasurer of the city to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment on demand, then to levy and collect the same by distress and sale of goods and chatt-

Renewal of
warrant.

tels of such person; and that he pay the money collected into the city treasury, and that he return the said roll and warrant together with his doings thereon in thirty days from the date of such warrant. Such warrant may be renewed from time to time by the city council not exceeding ninety days in all; and after the first renewal it shall be lawful to charge three per cent upon each unpaid assessment as cost of collection, and after each and every other extension or renewal it shall be lawful to charge four per cent.

Seizure and sale
of goods.

Sec. 22. Upon receiving said assessment roll or rolls and warrant, the city treasurer shall proceed to collect the amounts assessed therein. If any person shall refuse or neglect to pay his assessment on demand, the city treasurer shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of sale by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto. The proceedings of the city treasurer in making such seizure and sale, and the fees therefor, shall be the same as in making distress and sale of property for non-payment of taxes as provided in chapter twenty-one of this act.

Disposition of
proceeds.

Sec. 23. The city treasurer shall pay the moneys and all the costs and expenses collected by him into the city treasury, and file a statement thereof with the city clerk. He shall also make return of said assessment roll and warrant according to the requirements of the warrant. In case any assessment shall be finally returned unpaid, by the city treasurer, he shall make a list thereof containing the names of the persons delinquent and a description of the lots and premises upon which the assessments remain unpaid and the amount unpaid on each, verify such list by his affidavit and file the same with the city clerk. In case any assessment shall be finally returned by the city treasurer unpaid as aforesaid, the same shall then be reassessed by the city assessors, with interest included at the rate of ten per cent per annum from the date of the confirmation of the assessment until the date of the passage of the next annual appropriation bill, in the next tax roll or rolls, and be collected and paid in all respects as provided in section twenty or twenty-one of this chapter.

Reassessment
with interest.

Sec. 24. At any time after a special assessment has become due and payable, the same may be recovered by suit in the name of the city of Kalamazoo against the persons assessed, in an action of assumpsit in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified copy of the resolution confirming the same shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment and of the right of the city to recover judgment therefor.

Sec. 25. If in any such action it shall appear that by reason of

irregularities or informality, the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

Sec. 26. The provisions of the last two preceding sections shall apply as well to assessments made before the passage of this act and remaining unpaid or to those made after its passage.

CHAPTER XXIII.

APPROPRIATION OF PRIVATE PROPERTY.

SECTION 1. Whenever it is deemed necessary by the city council to take or appropriate any private property, right of way, interest or estate therein for any public improvement or use, the proceedings therein shall be as follows, viz.: The city council shall first declare by resolution that they deem it for the interest of said city to take the property, interest, or estate therein for public use or improvement, which resolution shall describe the property and the interest or estate therein proposed to be taken, and the particular purpose for which it is proposed to take the same. The said city council shall thereupon cause notice thereof to be given to the owners or occupants or persons interested, or his or their agent or representative, so far as they can be ascertained by personal service, or by posting up such notices in three or more public places in said city, stating the time and place when and where said council will meet to consider such resolution, which notice shall describe the property and the interest or estate therein proposed to be taken, and the purpose for which it is proposed to take the same; and which notice shall be served or posted up as aforesaid at least ten days before the time of meeting. If after hearing the persons interested who may appear at such meeting the said city council shall still deem it for the interests of said corporation to take such property, interest, or estate therein for the particular public use or improvement mentioned, they shall confirm said resolution, and then they may proceed to treat with the parties interested in the property proposed to be taken and obtain a release or conveyance thereof by gift or purchase. If such conveyance or release shall not be obtained by treaty, from said parties or any of them, then it shall be lawful for the mayor of said city, or in case of his absence from the city, for the city clerk to apply to the city recorder, and in case of his inability to act, then to apply to the judge of probate of Kalamazoo county, for the appointment of a jury of twelve freeholders of the city to inquire into the necessity of taking and using such ground or premises for the purposes specified, and to appraise the damages thereon to such persons as shall not have released all claim for damages or agreed with the mayor or city council on the price to be paid by reason of the taking or using such private property, interest, or estate therein for such specified purpose,

upon request of the mayor or city clerk, impanel a new jury in the same manner as provided for impaneling the original jury, and like proceedings shall therupon be had, concerning any lands in which there was a failure to agree, and a new jury may in like manner be had as often as necessary. If any juror during the course of the proceedings shall be unable to discharge his duties, the recorder or probate judge before whom the proceedings are had may appoint another in his place, who shall have the qualifications, and be sworn, and exercise the same duties as the other jurors of the panel, but in which case the proceedings shall begin anew from the impaneling of the jury.

*When juror
unable to dis-
charge duties.*

Sec. 6. At the time of making the application to the recorder or probate judge for the impaneling of a jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian appointed under the laws of the State, and service of all notices required to be made, may be made on such guardian; but if there should be no guardian, or if no such guardian shall appear to represent such infant or incompetent person, the recorder or probate judge before proceeding with the matter shall appoint some disinterested person as guardian *ad litem*, to protect the interests of the person for whom he is appointed, and such guardian *ad litem* shall have authority to receive and receipt for all damages and compensation awarded to his or her ward, and such ward shall be bound thereby.

*When applica-
tion is made to
judge of pro-
bate.*

Sec. 7. In case of the application being made in the first instance to the judge of probate of Kalamazoo county, it shall be the duty of the judge of probate to act in the premises in such instance; and he shall have the same powers and jurisdiction therein, and his acts when certified to by him shall be entitled to the same faith and credit, as if he were in fact city recorder.

CHAPTER XXIV.

ORDINANCES.

Style and vote.

SECTION 1. The style of all ordinances shall be, "the city of Kalamazoo ordains." All ordinances shall require for their passage, the concurrence of a majority of all the members of the city council.

*Powers of coun-
cil to prescribe,
fines, penalties,
etc.*

Sec. 2. When by the provisions of this act, the city council of said city has authority to pass ordinances for any purpose, they may prescribe fines, penalties, and forfeitures, not exceeding five hundred dollars, or imprisonment not exceeding six months, or both in the discretion of the court, together with the costs of prosecution, for each violation of any of said ordinances; and may provide that the offender, on failing to pay such fine, penalty or forfeiture on the costs of prosecution, may be imprisoned for any term not exceeding six months, unless payment thereof be sooner made; and may direct such imprisonment to be in the county jail of Kalamazoo county. Such fine, penalty, forfeiture, or imprisonment for the violation of any ordinance shall be prescribed therein.

*Ordinances,
etc., to be pub-
lished.*

Sec. 3. No by-law or ordinance shall be of any effect until the same shall have been published at least once in each week for two

shall receive five dollars for such proceedings; the fee of the officer summoning such jury shall be one dollar.

Sec. 2. The city council may confirm or disaffirm by resolution the award of the jury in any case. In case of disaffirming the same, it shall be lawful for said council to institute new proceedings at any time after the lapse of six months from the date of such award, to appropriate the same property. In case the award of a jury be confirmed by said city council, then in such case the award shall be final and conclusive. A copy of said proceedings certified by the city clerk under the seal of the city, shall be received as *prima facie* evidence of said proceedings in all [the] courts of the State.

Sec. 3. The damages which shall have been awarded as herein-before provided, or which shall have been contracted to be paid by the city council, and the fees and charges lawfully incurred, shall be levied and collected in said city, and shall be paid on the order of the council as other city charges, and the damages shall be paid or tendered to any person or persons in whose favor such award of damages shall be made, if known, before such property, interest, or estate therein shall be appropriated to public use. If any party or parties in whose favor an award of damages shall be made, are unknown or non-residents, it shall be sufficient to make the award of damages to "the unknown owner or owners," or "non-resident owner or owners," of any parcel of land taken, interest, or estate therein ; and the unknown parties or non-residents shall be entitled to receive their orders as aforesaid upon proof to the city council of their ownership of the property so appropriated to public use. When damages or compensation shall have been paid or tendered to the person or persons entitled thereto, or an order on the city treasurer for the amount of such damages shall have been executed and delivered, or tendered to such person or persons if known and residents of said city, the city council shall have full power and authority to enter upon and appropriate such property to the use for which the same was taken, and for that purpose may employ such assistants as may be necessary.

Sec. 4. The jury shall consider upon each parcel of land described in the application to the recorder or probate judge, separately. If only part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby, and also any special and particular benefits resulting to the remainder of the premises from the proposed improvements, and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefits. If several persons shall have separate claims upon the same lot or parcel of land, as owners, mortgagees, lessees, or otherwise, and the same shall be made to appear to said jury, they shall apportion to each such share of the damage awarded as shall be just. Damages and compensation for taking the lands of any deceased persons may be awarded to his estate.

Sec. 5. A disagreement of the jury as to one or more distinct parcels of land shall not affect the awards and report in which they have agreed, and upon any disagreement the recorder or probate judge before whom the proceedings shall have been instituted may,

**When juror
unable to dis-
charge duties.**

upon request of the mayor or city clerk, impanel a new jury in the same manner as provided for impaneling the original jury, and like proceedings shall thereupon be had, concerning any lands in which there was a failure to agree, and a new jury may in like manner be had as often as necessary. If any juror during the course of the proceedings shall be unable to discharge his duties, the recorder or probate judge before whom the proceedings are had may appoint another in his place, who shall have the qualifications, and be sworn and exercise the same duties as the other jurors of the panel, but in which case the proceedings shall begin anew from the impaneling of the jury.

**When minor or
incompetent
persons are
interested.**

SEC. 6. At the time of making the application to the recorder or probate judge for the impaneling of a jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian appointed under the laws of the State, and service of all notices required to be made, may be made on such guardian; but if there should be no guardian, or if no such guardian shall appear to represent such infant or incompetent person, the recorder or probate judge before proceeding with the matter shall appoint some disinterested person as guardian *ad litem*, to protect the interests of the person for whom he is appointed, and such guardian *ad litem* shall have authority to receive and receipt for all damages and compensation awarded to his or her ward, and such ward shall be bound thereby.

**When applica-
tion is made to
judge of pro-
bate.**

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CHAPTER XXIV.

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**Powers of coun-
cil to prescribe,
fines, penalties,
etc.**

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**Ordinances,
etc., to be pub-
lished.**

SEC. 3. No by-law or ordinance shall be of any effect until the same shall have been published at least once in each week for two

successive weeks in some newspaper printed and published in said city.

Sec. 4. Immediately after any by-law or ordinance shall have become operative, it shall be the duty of the city clerk to enter the same, together with the evidence of its publication, in a book to be kept by him in his office for that purpose and to be known as the "Book of Ordinances," and he shall certify thereto the ordaining of such ordinance or by-law. Whenever any by-law or ordinance shall have been passed by the city council and published as provided in section three of this chapter, the same shall be operative and in force. It shall not be necessary to give notice of the repeal of any by-law, rule, or regulation.

Sec. 5. In all courts having authority to hear, try, or determine any matter or cause arising under the ordinances of said city, and in all proceedings in said city relating to or arising under the ordinances or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions, and continuing force of such ordinances, and whenever it shall be necessary to prove any of the by-laws, regulations, or ordinances of said city, or any resolution adopted by the city council, the same may be read in evidence in all courts of justice, and in all proceedings: First, from a record thereof kept by the city clerk; second, from a copy thereof or of such record thereof certified by the city clerk under the seal of the corporation; third, from any volume of ordinances purporting to have been written or printed by authority of the city council.

Sec. 6. No ordinance shall be amended unless the whole, or so much as is intended to be amended, shall be re-enacted. When any section of an ordinance is amended the whole section as amended shall be re-enacted.

CHAPTER XXV.

ENFORCEMENT OF ORDINANCES.

SECTION 1. Prosecution for the violation of the ordinances of said city shall be commenced within two years after the commission of the offense, and shall be brought within the city.

Sec. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt or in assumpsit; if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid.

Sec. 3. Such action shall be brought in the name of the city of Kalamazoo, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the cause shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties and forfeitures for violations of

the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith and, except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment nor shall costs be allowed to the defendant in any such action.

Suits commenced by warrant.

Sec. 4. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender.

Form of warrant.

Sec. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and the execution thereof shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be to the provisions of law regulating the proceedings in criminal cases cognizable by justices of the peace.

Rendition of judgment.

Sec. 6. If the accused shall be convicted, the court shall render judgment thereon and inflict such punishment, either by fine or imprisonment or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with costs of prosecution. In no case shall the party complained of recover costs.

Execution of judgment.

Sec. 7. Every such judgment shall be executed by virtue of an execution or warrant of commitment specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine, and imprisonment in default of payment thereof, or where imprisonment is alone imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

City entitled to use of county jail.

Sec. 8. Said city of Kalamazoo shall be allowed the use of the jail of the county of Kalamazoo for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment

may be sentenced to and committed to imprisonment, in such county jail, and the sheriff, or other keeper of such jail, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

Sec. 9. All process issued in any prosecution or proceeding for the violation of any ordinance of the city, shall be directed to the officers authorized by law to serve process from a justice of the peace, and may be executed in any part of the State by said officers. To whom process directed.

Sec. 10. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provisions thereof, in any complaint, warrant, process, or pleading therein; but the same shall be deemed sufficiently set forth or stated by reciting its title and the date of its passage or approval. And it shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city of Kalamazoo, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause, shall take judicial notice of the enactment, existence, and provisions of the ordinances of the city, and the resolution of the city council, and of the authority of the council to enact the same. How ordinances set forth in complaint, etc.

Sec. 11. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except when other provision is made, shall consist of six persons and in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons, as in civil causes triable before such magistrates, except when otherwise provided by this act. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party or interested, on account merely of such interests as he may have in common with the inhabitants of the city in the result of the suit.

Sec. 12. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county of Kalamazoo by appeal, or writ of *certiorari*; and the proceedings therefor and the bond or security to be given thereon and the proceedings and disposition of the cause in the circuit court, shall be the same as an appeal and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violation, either party may appeal from the judgment, or remove the proceedings, by *certiorari*, into the circuit court; and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given as in cases of appeal and *certiorari* in civil causes tried before justices of the peace, except that the city shall not be required to give bond or security thereon. The circuit court of said county shall also take judicial notice of the ordinances of the city and the resolutions of the city council, and of the provisions thereof. Removal of proceedings to circuit court, etc.

By whom fines receivable.

Sec. 13. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs shall be made to the sheriff or other keeper of the jail, who shall, within thirty days thereafter, pay the same to said court or magistrate and the court or magistrate receiving any such fine or penalty or any part thereof, shall pay the same into the city treasury on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

Neglect to pay over fines.

Sec. 14. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provisions, it shall be the duty of the city council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving any such fine, who shall willfully neglect or refuse to pay over the same, as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Disposition of fines.

Sec. 15. Fines paid into the city treasury for violation of ordinances of the city shall be placed to the credit of the general fund. The expenses of the apprehension and punishment of persons violating the ordinances of the city shall be defrayed by the city out of the general fund.

Security for costs.

Sec. 16. No case or prosecution shall be commenced under any ordinance of the city until the complaining party has furnished security for costs, unless the same be commenced by order of the mayor, the city council, or city attorney.

CHAPTER XXVI.

PUBLIC SCHOOLS.

School district organised.

SECTION 1. The land within the limits of the corporation of the city of Kalamazoo, and such contiguous territory as is or may hereafter be thereto annexed for school purposes, shall constitute a single school district, and be known and designated as school district number one of the city and township of Kalamazoo; and such district shall have all the powers and privileges conferred upon school districts by general law and in addition thereto such powers and privileges as may have been heretofore conferred upon it by special enactment.

Powers and privileges of trustees.

Sec. 2. At the annual meeting of said district, to be held on the second Monday in July, eighteen hundred and eighty-three, the qualified voters thereof shall elect by ballot, two trustees for three years, who, with the four trustees holding over, shall constitute a district board of education; and annually thereafter, in the same manner, they shall elect two trustees who shall hold their office three years, and until their successors shall have been elected and qualified; and also at the same time and in the same manner shall fill all vacancies that may exist in said board.

District board of education.

SEC. 3. Within ten days after each annual meeting, the trustees thus elected shall meet and elect from their own number a president, secretary, and treasurer, whose powers and duties shall be the same as those conferred upon and required of the moderator, director, and assessor of school districts in this State, except so far as the same are increased by the provisions of this act, or by former special acts passed for the benefit of said district. Said board shall have the power to fill all vacancies that may occur in their number until the next annual meeting.

SEC. 4. Said board shall have power to hire any and all necessary teachers for the several schools of said district, and fix the amount of their compensation, and all teachers employed by said board shall be considered as legally qualified without examination by the school inspector; to classify and grade said schools and determine the ages and qualifications for admission thereto: *Provided*, No scholars otherwise entitled to admission and between the ages of five and eighteen shall be excluded therefrom; to adopt courses of study and text books for the use of said schools, and to enact such rules and by-laws as may be necessary for the preservation of all the property belonging to said district, for the government of the schools, and in reference to all business connected therewith, and also to levy and collect such sums as they may deem proper for tuition of each and every scholar taught in said district who is not actually a resident thereof.

SEC. 5. The qualified voters of said district shall by vote, at the annual meeting or at any special meeting called for that purpose, raise by tax upon the taxable property of the district, such sums as shall be necessary to make the several schools of the district free of tuition in all English branches to the resident scholars thereof, and the district board of education shall forthwith certify to the city clerk the amount of taxes voted at any school meeting.

SEC. 6. The treasurer of said district shall have the power in the name of the district to collect all moneys due for tuition of scholars who are not actually residents thereof, by suit at law, under the direction of said district board.

SEC. 7. The said board shall publish the rules and by-laws they may from time to time enact, in at least one paper published in the city of Kalamazoo, and shall give like notice of their alteration or repeal; and the secretary of said board shall also record the same in a book to be kept for that purpose; and said board of education shall have power to make all needful rules and regulations relative to its proceedings, and to punish by fine, not exceeding five dollars for each offense, any member of the board who may without sufficient cause absent himself from any meeting thereof, said penalties to be collected as the board may direct.

SEC. 8. The provisions of this act are not intended to affect or disturb the powers or present *status* of school district number one, of the village and township of Kalamazoo; nor are they enlarged, altered, abridged, or in any way affected by the provisions of this act, except, that its title shall be hereafter known as "School District No. 1, of the city and township of Kalamazoo," the name being

changed to conform to the provisions of this act, and that its limits shall not be extended beyond the present boundaries of said school district.

CHAPTER XXVII.

MISCELLANEOUS PROVISIONS.

Salaries and compensation of certain officers.

SECTION 1. The mayor shall be entitled to receive a salary of one hundred dollars a year for his services as mayor. Aldermen shall be allowed a compensation at the rate of two dollars a day for actual service, but not exceeding in any case seventy-five dollars a year. Supervisors in the discharge of the duties of their office shall be allowed two dollars a day for time actually employed. Justices of the peace, constables, and officers serving process and making arrests shall be allowed such fees as provided for like services by general laws of the State.

City officers not to be interested in contracts, etc.

Sec. 2. Members of the council or other officers of the city shall not be interested directly or indirectly, as principal, surety, or otherwise in the fulfillment of any contract, job, work, claim, or services other than official services rendered the city, the compensation for which is to be paid out of the city treasury. A violation of the provisions of this section, on the part of any officer of the city, shall work a forfeiture of office; and in addition thereto, such penalty, not exceeding two hundred dollars, as the city council shall by resolution impose.

Penalty.

Sec. 3. Standing committees appointed by the mayor shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Special committees may be appointed at any session of the city council, and such committees shall perform such duties relative to the matters referred to them as may be required by the council or by the mayor.

Acts repealed, etc.

Sec. 4. All acts and parts of acts heretofore passed in relation to the incorporation of the village of Kalamazoo are hereby repealed, subject to the provisions of section twelve of this chapter, but nothing herein contained shall be construed to destroy, impair, or take away any right or remedy acquired or given by any act hereby repealed, and all proceedings commenced under any such former act shall be carried out and completed. All prosecutions for any offense committed or penalty or forfeiture incurred shall be imposed in the same manner and with the same effect as if this act had not been passed, but nothing in this section contained shall be construed to annul or impair or effect any ordinance, by-law, resolution, or proceeding of said village not inconsistent with the provisions of this act, but the same shall continue and remain in force until the same are amended or repealed as fully as though this act had not been enacted, subject to the limitation embodied in section six of this chapter.

Real estate, franchises, rights, etc., of village to belong to city, etc.

Sec. 5. All personal and real estate, franchises, credits, and effects whatsoever, and all and every right or interest therein belonging to the village of Kalamazoo under and by virtue of any former acts, and all demands due and to grow due to the same, shall hereafter

fully and absolutely belong to the corporation created and continued by this act, saving nevertheless to all and every person his or their just rights therein; and to the end that all and singular the estates and rights aforesaid may be fully vested in the corporation hereby created and continued, every person who is or shall be possessed thereof shall deliver the same to the city of Kalamazoo with all the evidences touching the same, and said corporation may bring suit in its corporate name for the recovery of the same; and the corporation hereby created and continued shall be liable to pay all just debts due from or claims or demands against the village of Kalamazoo as heretofore existing, and all contracts and agreements heretofore made or entered into by the corporate authorities of the village of Kalamazoo shall be and the same are made binding and obligatory upon the corporation hereby created and continued the same as if this act had not been passed.

Sec. 6. The ordinances and by-laws in force in the village of Kalamazoo shall be and remain in full force and effect, the same as if the said village ordinances and by-laws were legally adopted by the city council under the authority of this act, until ordinances shall be enacted by the city council under the provisions of this act, but not exceeding sixty days next ensuing the first Monday in April in eighteen hundred and eighty-four.

Sec. 7. The city council shall, at the close of each fiscal year, cause to be published in at least one newspaper printed in said city, or in pamphlet form, as the council may direct, a just and true account of all moneys received and expended by them in their corporate capacity during the year or period preceding such publication, and also the disposition thereof, previous to which they shall audit and settle the accounts of the city treasurer and the accounts of all other officers; such account shall also contain such reports from the different officers of the city and committees of the city council as said council may direct.

Sec. 8. When any by-law, ordinance, or regulation of said city shall be amended or repealed, the proceedings of the city council thereon shall be entered in the "Book of Ordinances," by the clerk and certified by him, and when so entered and certified the same or a certified copy thereof shall be read in evidence in all courts and proceedings the same as in this act provided for the admission in evidence of the ordinances of said city.

Sec. 9. The township of Kalamazoo shall be, remain, and continue in all respects as immediately before the passage of this act, except that it shall exercise no jurisdiction or control within the limits of said city of Kalamazoo, and that township officers shall cease to exercise any official authority or perform any official act as such township officers within the city of Kalamazoo in any manner affecting the rights of persons or property of the citizens of said city of Kalamazoo after the election and qualification of the city officers herein provided for.

Sec. 10. Whenever by this act, or any other provision of law any power or authority is vested in or duty imposed upon the corporation, city council, or board of health of said city, such city

*Liability of city
for obligations,
etc., of village.*

*Ordinances, etc..
of village to
remain in force.*

*Annual financial
report of coun-
cil to be pub-
lished.*

*Repeal of ordi-
nances, etc.*

*Proceedings to
be entered in
book, etc.*

*Township of
Kalamazoo.*

*Ordinances for
execution of
powers con-
ferred, etc.*

council or board of health may enact such appropriate ordinances, not inconsistent with the laws and constitution of the State, as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty, and enforce the same by suitable fines, penalties, forfeiture, or imprisonment

*Act to be deemed
public, etc.*

Szco. 11. This act shall be deemed a public act, and shall be favorably construed in all courts and places whatsoever. The legislature may, at any time, modify, alter, amend, or repeal the same.

*Village of
Kalamazoo,
etc., continued.*

Szco. 12. The said village of Kalamazoo, and all the provisions of law having relation thereto, are hereby continued until the time or times prescribed by this act for proceedings under the several provisions thereof; and the officers of said village shall have and exercise control of the municipal affairs of said village, until the second Monday in April, eighteen hundred and eighty-four, and until the newly elected city officers shall qualify and take their seats, and no longer.

Approved June 8, 1883.

[No. 338.]

AN ACT to amend sections six (6) and twelve (12) of title three (3); sections ten (10), seventeen (17), eighteen (18), twenty-one (21), twenty-six (26), and twenty-seven (27) of title four (4); sections seven (7), eight (8), nine (9), fourteen (14), fifteen (15), sixteen (16), twenty (20), twenty-one (21), twenty-three (23), and twenty-five (25) of title five (5); section twenty-eight (28) of title twelve (12); sections five (5), nine (9), and fourteen (14) of title thirteen (13); sections one (1), three (3), five (5), and seven (7) of title fifteen (15), of an act entitled "An act to revise the charter of the city of Lansing," approved March twenty-five, eighteen hundred and seventy-five.

*Sections
amended.*

SECTION 1. *The People of the State of Michigan enact,* That sections six (6) and twelve (12) of title three (3); sections ten (10), seventeen (17), eighteen (18), twenty-one (21), twenty-six (26), and twenty-seven (27) of title four (4); sections seven (7), eight (8), nine (9), fourteen (14), fifteen (15), sixteen (16), twenty (20), twenty-one (21), twenty-three (23), and twenty-five (25) of title five (5); section twenty-eight (28) of title twelve (12); sections five (5), nine (9), and fourteen (14) of title thirteen (13); sections one (1), three (3), five (5), and seven (7) of title fifteen (15), of an act entitled "An act to revise the charter of the city of Lansing," approved March twenty-five, eighteen hundred and seventy-five, be amended so as to read as follows:

TITLE III.

*Annual election
of officers, term
of office, etc.*

SECTION 6. At each annual election hereafter to be held in said city, there shall be elected on a city ticket one mayor, one clerk, and one treasurer, who shall hold their offices for one year; but no person shall be eligible for the office of city treasurer for more than

two consecutive years. At the annual election of eighteen hundred and eighty-five there shall be elected on said city ticket six members of the board of education, of whom two shall hold their offices for three years, two for two years, and two for one year, and at each annual election thereafter there shall be elected on said city ticket, two members of the board of education, who shall hold their offices for three years; and in each ward there shall be elected on a ward ticket, one alderman, who shall hold his office for two years, and one constable who shall hold his office for one year, and in the year eighteen hundred and seventy-nine, and at each fourth annual election thereafter, one justice of the peace for the first and fourth wards, and one justice of the peace for the second and third wards, and one justice of the peace for the fifth and sixth wards, who shall hold their offices for four years.

SEC. 12. The common council shall, on the first Monday in May, or as soon thereafter as may be, appoint one city marshal, one city attorney, one city auditor, and one or more street inspectors, one chief engineer, and one assistant chief engineer of the fire department, and so many policemen, watchmen, fire-wardens, pound-masters, inspectors of fire-wood, weighmasters, and auctioneers, as they shall, from time to time, deem necessary, and may appoint a city surveyor, and such other officers as may be necessary to carry into effect the powers granted by this act, who shall hold their offices for one year, except street inspector, or inspectors, who shall hold their offices during the pleasure of the common council, and on the first Monday in December, or as soon thereafter as may be in the year eighteen hundred and seventy-seven, and each alternate year thereafter, the common council shall appoint one city assessor, who shall hold his office for two years from the first day of January next following his appointment, but no person shall be appointed to any office by the common council except by a majority vote of all the members of the common council elect: *Provided*, That on the fourth Monday in March, or as soon thereafter as may be, in the year eighteen hundred and seventy-seven, the common council shall appoint one city assessor, who shall enter upon the discharge of his duties on the second Monday in April, in the year of our Lord one thousand eight hundred and seventy-seven, and whose term of office shall expire on the thirty-first day of December, eighteen hundred and seventy-seven; and the common council may by ordinance prescribe their duties, in addition to those defined in this act. Whenever any officer appointed by the provisions of this section, shall, from any cause, be unable to perform the duties of his office, the common council shall have power to appoint an officer, who shall perform the duties of the office until such inability shall cease.

TITLE IV.

SECTION 10. The city attorney, city marshal, city auditor, street commissioners, city surveyor, and engineer of the fire department shall have seats in the council, and may take part in all its proceed-Certain officers entitled to seats in council.

ings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall, from time to time, prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

**Auditing and
allowing of
accounts.**

SEC. 17. The council shall audit [and allow] all accounts chargeable against the city; but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with an affidavit of the person rendering it, which affidavit may be taken and certified by any member of the common council, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no set-off exists, nor payment has been on account thereof, except such as are indorsed or referred to in such account or claim, and has been duly examined by and received the endorsement of the city auditor, unless such endorsement shall be waived by a two-thirds vote of the common council, in which case, if the claim is allowed, it shall be reported to the auditor. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding, for the collection of any demand or claim against the city, that it has never been presented, verified as aforesaid, to the council for allowance; or that the claim was presented without the affidavit aforesaid, and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

Dogs.

SEC. 18. *Fourteenth.* To regulate, license, or prohibit the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog fights in the streets;

**Destruction of
objectionable
weeds.**

Thirty-fifth. And further, the council shall have authority to require all thistles, burdocks, yellow docks, and other objectionable weeds found growing on any public or private property within the city limits to be destroyed. But before entering upon any private property for the purpose of destroying the weeds mentioned herein the council shall cause a notice written or printed or partly written and partly printed to be served on the owner or occupant of said property, requiring their destruction within five days after service of such notice. If no service of such notice can be had upon the owner or occupant, then it shall be sufficient to post the same in some conspicuous place on the premises, and the cost of removing such weeds shall be paid from the city treasury, and the same assessed against the property in the next general assessment roll of the city.

**Licensing of
inn-keepers,
etc.**

SEC. 21. No person shall engage in or exercise the business or vocation of tavern-keeper, inn-holder, or saloon-keeper within the limits of said city until he is first licensed as such by the common council. All hotel or tavern-keepers, inn-holders, or common victualers who shall keep a bar in connection with their hotel, tavern, inn, or common victualing establishment, and all grocers,

**Who deemed
saloon keepers.**

druggists, and all other persons who shall sell beverages by the glass or cup in their respective establishments, which are usually sold in a saloon, shall be deemed saloon-keepers within the meaning of this act, and shall be required to take a license as such.

SEC. 26. No ordinance of the common council imposing a penalty shall take effect until after the expiration of at least three days after the publication thereof in a newspaper published in said city.

SEC. 27. A record or entry made by the clerk of the said city, or a copy of such record or entry duly certified by him, shall be *prima facie* evidence of the time of such publication, and all laws, regulations, and ordinances of the common council may be read in evidence in all courts of justice and in all proceedings before any officer, body, or board in which it shall be necessary to refer thereto, either—

First, From a copy certified by the clerk of the city with the seal of the city of Lansing affixed; or,

Second, From the volume of ordinances printed by authority of the common council.

TITLE V.

SECTION 7. The city clerk shall keep the corporate seal, and all the documents, official bonds, papers, files, and records of the city not by this act or the ordinances of the city entrusted to some other officer; he shall be clerk of the council, shall attend its meetings, record all its proceedings, ordinances, and resolutions, and shall countersign and register all licenses granted, and report the same, with the amount thereof, to the auditor; he shall, when required, make and certify, under the seal of the city, copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places, of the matters therein contained, to the same extent that the original would be; he shall possess and exercise the powers of township clerk, so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations. The clerk shall be entitled to a fee of fifty cents for each and every license issued by him, to be paid by the person obtaining the same.

SEC. 8. The city clerk shall draw all warrants upon the treasury *Idem.* for the payment of all claims duly allowed by the common council, or for any and all school moneys in said treasurer's hands, whenever properly called for by said school board or its duly authorized representative, subject to the requirements of this act, designating the proper fund from which payments should be made. When any tax or money shall be levied, raised, or appropriated, the clerk shall report the amount thereof to the city treasurer and auditor, stating the objects and funds for which it is levied, raised, or appropriated, and the amounts thereof to be credited to each fund.

SEC. 9. He shall exercise a general supervision over all officers *Idem.* charged in any manner with the receipt, collection, and disbursement of the city revenues, and over all the property and assets of the city; he shall have charge of all books, vouchers, and documents

relating to the accounts, contracts, debts, and revenues of the city, not otherwise provided for; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts and liabilities, and shall perform such other duties pertaining to his office as the council may require by resolution or otherwise.

Duties and powers of city treasurer.

SEC. 14. The treasurer shall render to the council on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. The books and accounts of the treasurer shall, at all reasonable hours, be open to the inspection of any tax-payer of said city; the treasurer shall exhibit to the common council, at the last regular meeting in the month of April, a full and fair account of the receipts and expenditures after the date of his or the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found to be correct, shall be filed and published.

Idem.

SEC. 15. The city treasurer shall keep all moneys in his hands belonging to the city, separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the city moneys, warrants, or evidences of debt, or any of the school or library funds in his custody or keeping, for his own use or benefit, or that of any other person; and the city treasurer is hereby prohibited from issuing any receipt for taxes or other moneys coming into his hands as treasurer of the city without the same has been countersigned by the auditor. Any violation of this section shall subject him to immediate removal from office by the city council, who are hereby authorized to declare the office vacant, and to appoint his successor for the remainder of his term.

CITY ASSESSOR.

Duties and powers of city assessor.

SEC. 16. The annual assessment of property in the several wards shall be made by the city assessor as herein provided. And it shall be the duty of the city assessor in all cases where vendors of any kinds of merchandise come into the city, and exhibit such merchandise for sale, after his regular assessment has been made, to assess at once all such goods, wares, and merchandise, by special assessment, and he shall prepare a special tax roll, and attach his warrant thereto, directing the city treasurer to collect the same within ten days thereafter, in the manner specified for the collection of general taxes. He shall be entitled to a seat on the board of supervisors, and shall have a vote on said board upon the questions of equalization or apportionment of property for taxation and the allowance of claims against the county, but upon no other subject, question, or matter whatever. For such services he shall be entitled to the same pay as a supervisor.

Marshal to receive no fees.

SEC. 20. The city marshal shall not receive fees for any services performed by him, except the salary fixed by the common council.

SEC. 21. The city marshal shall, when required by the common council, assume in addition to his own duties, those of street inspector. In the absence of the marshal, or his inability to serve, any constable designated by the mayor or common council may perform his duties.

SEC. 23. The city auditor shall be the accountant of the city, and shall enter upon his books the number of all receipts issued by the treasurer for taxes or other moneys belonging to the city, also the name of the person entered in said receipt, with the amount of the same, giving each fund designated in said receipt credit for the amounts noted therein; he shall also countersign all receipts issued. He shall enter all orders issued by the clerk and allowed by him in his books, charging the amount of the same to the fund on which said order is drawn. He shall keep a complete set of books exhibiting the financial condition of the city with all its resources and liabilities, by funds in detail. When any such fund or appropriation has been exhausted by warrants drawn thereon, or by appropriations or liabilities and expenses actually made or contracted for, and to be paid out of such fund or appropriation, the auditor shall advise the common council thereof at its next meeting. The auditor shall open an account with the treasurer, in which he shall charge said treasurer with the whole amount of taxes, general and special, levied in said city, also the whole amount in detail of all bonds, notes, mortgages, leases, rents, interest, and other moneys receivable, in order that the value and description of all personal property belonging to the corporation may at any time be known. He shall also keep a list of all the property, real, personal, and mixed, belonging to the corporation, and of all its debts and liabilities, in order that the amount of the moneys and liabilities of the corporation may at any time be known at his office. The auditor shall also open accounts with the treasurer, in which he shall charge him with all moneys appropriated, raised, or received for each of the several funds of the corporation, and credit him for all the warrants drawn thereon, keeping a separate account with the debit and credit for each fund, charging every warrant drawn to the account of the particular fund constituted or raised for the specific purpose for which such warrant is drawn, in order that it may be known at his office when each fund has been exhausted, and what balance, if any, may remain therein. The city auditor shall countersign all orders for the payment of money out of the city treasury, after having ascertained from the minutes that it has been appropriated by the common council, and he shall make a record of all orders so countersigned, and shall perform such other duties as the common council shall by resolution or ordinance prescribe, and such other duties as are prescribed by this act.

SEC. 25. It shall be the duty of the street inspector or inspectors to perform or superintend, under the general direction of the common council, all work to be done or performed, ordered or required to be done or performed, upon or in relation to any of the public streets, walks, highways, alleys, bridges, reservoirs, drains, culverts, sewers, sidewalks, public grounds, and parks.

TITLE XII.

Assessment of non-resident lands for improvements.

Repair and cleaning of sidewalks, etc.

SECTION 28. The common council is authorized to assess the lands of non-residents and unoccupied lands of said city, their just proportion of the expenses of all improvements in said city in the same manner, and the amounts so assessed may be collected in the same manner as assessments for improvements on other lands. It shall in all cases be the duty of the owner of every lot or parcel of land in said city to keep the sidewalk adjoining his lot or piece of land in good repair, and also to remove and clear away all snow and ice and other obstructions from such sidewalk, and it shall be his duty to build sidewalks in front of or adjoining his premises. If any owner shall fail or neglect to keep the sidewalk adjoining his lot or piece of land in good repair, the common council may cause the same to be done and paid for out of the contingent fund of the city, and may add such expense to the amount of the general city tax on such land in the next general assessment rolls of said city, and such amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and if not paid or collected the land sold therefor in the same manner as for general city taxes. All sidewalks built shall be made of the material and be constructed in the manner and of the width as the common council shall by a general ordinance, resolution, or otherwise direct.

TITLE XIII.

Council to determine by resolution amount necessary to be raised by tax, etc.

Proviso in reference to increase of amount.

SECTION 5. It shall be the duty of the common council, on the fourth Monday in May, or as soon thereafter as may be, of each year, to determine by resolution the amount necessary to be raised by tax, for the following general purposes in said city, viz.: Contingent expenses, fire departments, sewerage, paving, the erection of public buildings, and the purchase of lands therefor, cemetery, bridges, interest, and sinking fund, delinquent tax, and general street improvement fund, and for paying any liabilities which may have been incurred by said city. The common council may raise by tax, to be levied upon the real and personal property within said city, such amounts so determined, not exceeding seven mills on the dollar, exclusive of the principal and interest on the indebtedness of the city, on the assessed valuation of such real and personal estate within the limits of said city, according to the valuation thereof taken from the assessment rolls of that year, which amounts, determined as aforesaid, shall be apportioned among the several wards of the city, according to the valuation of the property in the assessment rolls, as equalized by the board of review of the city, provided for in section three of this title, and the apportionment of the common council shall be entered at large on the record: *Provided*, That by a three-fourths vote of all the members elect of the common council, they shall have power to increase the aggregate amount so to be raised to one per cent on the dollar of the assessed valuation of the city; and the common council, in addition to the

other amounts herein authorized to be raised, shall determine the amount necessary to be collected in each ward respectively, for ward and highway purposes, not exceeding two thousand dollars in any one ward; but all ward and highway taxes shall be passed to the credit of and expended in the ward in which they may be collected; and it shall be the duty of the assessor to levy the sums so apportioned to the respective wards upon the taxable property of each ward, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State. It shall be the duty of the city assessor to levy the sums apportioned to the respective wards for State and county taxes, and such other taxes as may be required by law, upon the taxable property of each ward, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State. Whenever the common council shall deem it necessary to raise a greater sum in any one year than the amount specified and limited in this section, they may call a meeting of the resident tax-payers of said city, by giving at least ten days' notice in written or printed hand-bill, to be posted up in six public places in said city, and by publishing said notice in one or more of the newspapers published in the city, which notice shall state the time and place of said meeting, the amount of money to be raised, and the purposes for which it is to be expended; and when such meeting shall be held, in pursuance of such notice, it shall be holden from one o'clock P. M., and kept open till [until] seven o'clock P. M. on [of] the same day, and such tax-payers, by ballot, shall determine whether the money shall be raised for the object specified in said notice: *Provided*, That such tax voted at any such meeting shall not in any one year exceed one per cent upon the assessed valuation of the real and personal property taxable within the city, unless otherwise provided in this act: *And provided also*, That *Provided*, not more than two such meetings shall be called or held in any one year; and at all such meetings the common council shall appoint a board of inspectors from their own numbers, to consist of not less than two members, who shall open, conduct, close, and determine the result, in the same manner that elections for city officers are conducted under or by virtue of this act.

When question
of raising
greater amount
to be submitted
to vote.

Provided.

Provided also.

SEC. 9. For the collection of all taxes the treasurer shall be *Fees for collec-
tion of taxes.* entitled to receive such percentage as shall be prescribed by the common council by resolution, not exceeding two per cent upon the sum collected, upon all general and special rolls, but he is hereby prohibited from charging any percentage to the city for any assessment, transfer, or remittance of taxes, general or special, ordered by the common council, or for any public moneys received from the county treasurer or other persons, exclusive of taxes. No percentage added for the collection of taxes shall be added to the tax assessed, but shall be paid from the contingent fund, on the order of the city clerk, duly audited and allowed.

SEC. 14. It shall be the duty of said council, in each and every year, so long as the city shall remain in debt, to include in the taxes levied a sum not less than the amount of the bonds and interest coming due in said year. *Council to pro-
vide for payment
of bonds, etc.*

TITLE XV.

OF PUBLIC SCHOOLS.

*City to constitute
school district
board of education,
etc.*

*Compensation
of members.*

*Powers and
duties of board.*

SECTION 1. The city of Lansing shall constitute one school district. The members of the board of education shall be a body corporate by the name and style of "the board of education of the city of Lansing," and by that name may sue and be sued, and shall be subject to the laws of this State, relative to corporations that may be applicable thereto. They shall hold and control all moneys, real and personal property, or other rights belonging to said school district, and shall use and expend the same solely for the benefit of the common school or schools in said city. Members of said board shall receive no pay for their ordinary duties, but may be paid for special services such sums as the board shall in each case determine.

SEC. 3. The board of education shall have full power and authority, and it shall be their duty:

First, To purchase sites and build school-houses in said city, except as hereinafter provided;

Second, To establish a high school in said city;

Third, To appoint a superintendent of the common schools in said city, under the charge of said board, with such compensation as they shall deem proper, and with such powers and duties as they shall prescribe; and it shall be his duty to act as clerk of said board if required;

Fourth, To establish a school library in said city, and designate the place or places where the same shall be kept, and to appoint a librarian;

Fifth, To apply for and receive from the county or city treasurer, or other officers, all moneys appropriated or belonging to the primary school funds of said city, or for library purposes, and to expend the same according to law, but no money shall be drawn from the city treasury except upon the order of the city clerk, duly countersigned by the auditor;

Sixth, To make by-laws and ordinances for taking the census of the children of said city; for making reports and all things that shall be necessary to draw the proportion of the primary school fund belonging to said city; for visitation of schools, and the length of time school shall be taught, which shall not be less than nine school months in each year; for the employment and examination of teachers and their powers and duties; for the regulation of schools, and the books to be used therein; for the appointment of necessary officers, and to prescribe their powers and duties; for all necessary purposes that may advance the interests of education in said city, and the good government and prosperity of public schools.

Idem.

SEC. 5. The board of education of said city are hereby authorized, and it shall be their duty, once in each year, to ascertain and determine, by resolution passed at any regular meeting of said board, by a vote of a majority of all the members elect the sums necessary and proper for any or all the following purposes:

First, To lease, enlarge, alter, improve, and repair school-houses, and their out-houses and appurtenances;

Second, To purchase, exchange, improve, and repair school apparatus, books, furniture, and appendages;

Third, To procure fuel, and defray the contingent expenses of the schools, and the expenses of the school library of said city, and the necessary contingent expenses of said board;

Fourth, To purchase books for the school library of said city.

This act is ordered to take immediate effect.

Approved June 8, 1883.

[No. 339.]

AN ACT to amend an act entitled "An act to incorporate the village of Rochester," approved March twenty-fourth, in the year of our Lord eighteen hundred and sixty-nine, by adding thereto three new sections to stand as sections thirty-three, thirty-four, and thirty-five.

SECTION 1. *The People of the State of Michigan enact*, That act number three hundred and forty-five, of the session laws of eighteen hundred and sixty-nine, approved March twenty-fourth, eighteen hundred and sixty-nine, entitled "An act to incorporate the village of Rochester," be and the same is hereby amended by adding three new sections thereto to stand as sections thirty-three, thirty-four, and thirty-five of said act as follows:

SEC. 33. The village board may prescribe fines, penalties, and forfeitures, not exceeding one hundred dollars, or imprisonment not exceeding ninety days, or both, in the discretion of the court, together with the costs of prosecution, for each violation of any of the ordinances of said village of Rochester, and may provide that the offender, on failing to pay such fine, penalty, or forfeiture, and the costs of prosecution, may be imprisoned for any time not exceeding ninety days, unless payment thereof be sooner made. Such fine, penalty, or forfeiture, and imprisonment shall be prescribed in the ordinance, and if imprisonment be adjudged in any case, it may be in the common jail of the county of Oakland, or in any place of confinement provided by said village for such purpose, in the discretion of the court; and when payment in full of any fine, penalty, or forfeiture thus imposed shall be made, either to the village marshal, or to the court having jurisdiction of the particular case, the person so imprisoned shall be immediately discharged from custody without further proceeding.

SEC. 34. Prosecutions for violations of any of the ordinances of said village, may in all cases, except against corporations, be commenced by warrant for the arrest of the offender, to be issued by any justice of the peace of the township of Avon, upon the filing of a sworn complaint, either by the marshal of said village, or by any other person. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of

Act amended,
sections added.

Village board
may prescribe
fines, etc., for
violations of
ordinances.

Prosecutions to
be commenced
by warrant.

Warrant.

the offense complained of, and be substantially of the form, and be issued upon complaint made in the like manner as provided by law in criminal cases cognizable by justices of the peace, and in any complaint, warrant, process, or pleading in any suit or proceeding for the violation of any ordinance of said village, such ordinance shall be deemed to be sufficiently set forth or stated by reciting its title, and the date of its passage, adoption, or approval. In every such prosecution either party may require a trial by jury, and the proceedings relating to the arrest, custody, and recognizing in bail of the accused during the pendency of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgments, and the execution thereof shall, except as otherwise provided by this act, be governed by and conform, as nearly as may be, to the provisions of law regulating proceedings in criminal causes cognizable by justices of the peace. In every such prosecution, begun as aforesaid, the defendant, after conviction, may remove the case to the circuit court for the county of Oakland by appeal or *certiorari* within the same time, upon the like bond and security, and with the like proceedings in all respects, as an appeal or *certiorari* in criminal cases cognizable by justices of the peace, and the said circuit court shall have jurisdiction of such appeal or *certiorari* in the like manner.

*Trial by jury,
proceedings,
etc.*

*Removal of
case to circuit
court.*

*Ordinances
declared valid,
etc.*

SEC. 35. All ordinances heretofore passed and approved by the village board of said village of Rochester, not inconsistent with the provisions of this act, are hereby declared to be valid, lawful, and of full force, and the same shall so be and continue until changed or repealed by the said village board.

Ordered to take immediate effect.

Approved June 8, 1883.

[No. 340.]

AN ACT to legalize the bonds issued by the township of Brownstown, Wayne county, for building two iron bridges across Huron river.

Bonds legalized.

SECTION 1. *The People of the State of Michigan enact,* That the bonds issued by the township of Brownstown, Wayne county, for building two iron bridges across Huron river, be and the same are hereby legalized, and the bonds shall have the same force and effect as though an act of the legislature had authorized their issuance.

Ordered to take immediate effect.

Approved June 8, 1883.

[No. 341.]

AN ACT to amend an act entitled "An act to incorporate the city of Charlotte," approved March twenty-nine, eighteen hundred

and seventy one, as amended by act number four hundred and twenty-nine, of the session laws of eighteen hundred and eighty-one, approved June ten, eighteen hundred and eighty-one.

SECTION 1. *The People of the State of Michigan enact,* That sections thirty-two and fifty-eight of an act entitled "An act to incorporate the city of Charlotte," approved March twenty-nine, eighteen hundred and seventy-one, be and the same are hereby amended so as to read as follows:

SEC. 32. The common council shall have authority to assess, levy, and collect taxes on all real and personal estate taxable in said city, which taxes shall be and remain a lien upon the property so taxed until the same shall be paid; and for the purpose of defraying the expenses and liabilities incurred by said city, the common council may raise annually, by tax levied upon the real and personal property within said city, such sum as they may deem necessary; and the common council shall also have the authority and the power to assess and levy taxes upon the real and personal property within the limits of said city for the purpose of being expended on the streets, sidewalks, crosswalks, bridges, lanes, alleys, and public grounds of said city, in opening, working upon, repairing, building, and grading such streets, sidewalks, crosswalks, bridges, lanes, alleys, and public grounds; and the manner of levying and collecting such taxes last aforesaid, and the returning of property for non-payment thereof, and the sales and redemption of the same, shall be the same, as near as may be, as other city taxes are to be assessed and collected; and it shall be the duty of the common council to expend the money so raised, for the purpose last aforesaid, by contract, or otherwise. The total taxes for all purposes, exclusive of school and poll taxes, and special taxes that may be voted as provided for in section thirty-three of this act, shall not exceed one per cent on the valuation of such real and personal estate within the limits said city, according to the valuation thereof, taken from the equalized assessment rolls of the year preceding the levy of such taxes: *Provided*, That nothing in this section shall be construed so as to change the classification or liability of agricultural and city property, as provided for in section thirty-six of this act.

SEC. 58. The common council shall have power to assess and collect from every elector of said city, not exempt by the laws of this State, an annual capitation or poll tax, not exceeding one dollar, and they may provide by their by-laws for the collection of the same.

Ordered to take immediate effect.

Approved June 8, 1883.

NOTE.—The words and sentences enclosed in brackets in the foregoing acts were in the bills as passed by the legislature, but not in the enrolled copies as approved by the governor.

CERTIFICATE.

STATE DEPARTMENT MICHIGAN, } ss.
Secretary's Office.

I, HARRY A. CONANT, secretary of State of the State of Michigan, do hereby certify, that the date of the final adjournment of the regular session of the legislature of this State, for the present year, was June ninth, one thousand eight hundred and eighty-three.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the great seal of the State of Michigan, at Lansing, this eleventh day of [L. S.] June, in the year of our Lord one thousand eight hundred and eighty-three.

HARRY A. CONANT,
Secretary of State.

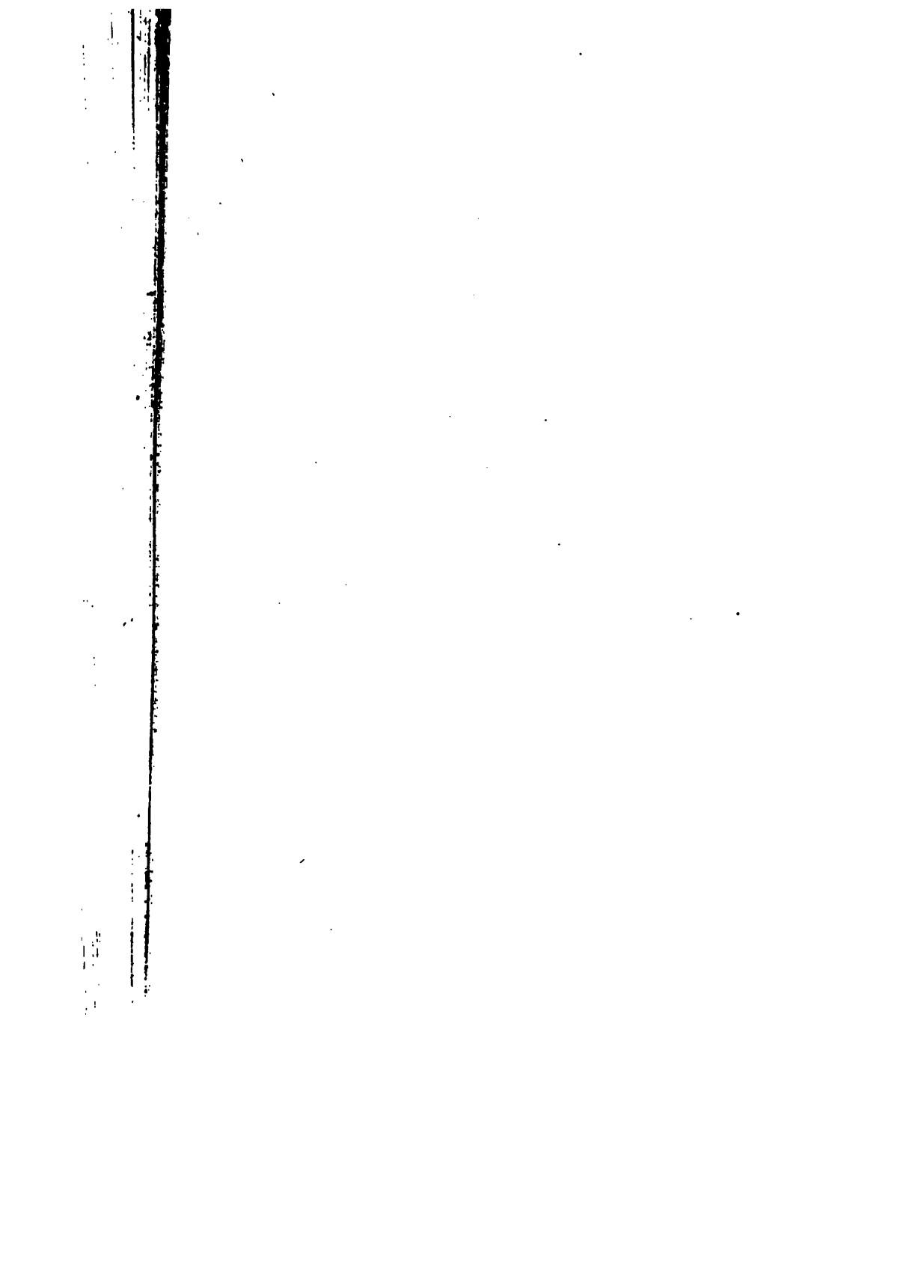
APPENDIX.

CONTAINING

CERTIFIED STATEMENTS OF BOARDS OF SUPERVISORS

RELATIVE TO THE

ERCTION OF NEW TOWNSHIPS.



APPENDIX.

ALPENA COUNTY.

STATE OF MICHIGAN, } ss.
County of Alpena. }

I, Michael O'Brien, clerk of said county, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of resolution adopted by said board March 26, 1881, with the original, now of record in my office, and that it is a true transcript therefrom, and of the whole thereof.

In testimony whereof I hereunto set my hand, the seal of [L. S.] the circuit court for said county, at the city of Alpena, this sixteenth day of March, A. D. 1883.

MICHAEL O'BRIEN,
County Clerk.

In the matter of the application of Arthur R. Richardson and fifty-six others, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published, as in the manner required by law, and having duly considered the matter of said application, the board of supervisors of said county of Alpena, hereby order and enact, that the territory described in said application, bounded as follows, to-wit: Township numbered thirty (30) north, of range three and four (3) and (4) east, the south half of township numbered (31) thirty-one north, of range three (3) and four (4) east, of the unorganized county of Montmorency, and township numbered thirty (30) north, of range five (5) east, west half of township numbered thirty (30) north, of range six (6) east, and south half of township numbered thirty-one (31) north, of range five (5) east, and the west half of the south half of township numbered thirty-one (31) north, of range six (6) east, in Alpena county, be and the same are hereby detached from the present township of Wilson, in said counties of Montmorency and Alpena, and organized into a separate township, to be called and known as the township of Green. The first annual meeting thereof shall be held at the "Greely" Green
organized.

school-house," in section nineteen (19), town thirty-one (31) north of range six (6) east, on the first Monday of April, 1881, and at said meeting George M. Green, Wm. Irving, and Wm. Carney, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers of the inspectors of election at any township meeting, as the law provides, and that George M. Green is appointed to post the notices of said election. The foregoing resolution was adopted by the following vote: Ayes—Supervisors Case, Furguson, Green, Hendron, Pangborn, Hayes, Sanborn, and Albert Pack, chairman. Nays—None.

In the matter of the application of Frank DeLong, and seventeen others, for the erection and organization of a new township, to be called the township of Maple Ridge.

The committee on towns submitted the following report:
To the Honorable the Board of Supervisors of Alpena County, Michigan:

GENTLEMEN—Your committee on towns, to whom was referred the petition of Frank DeLong, and seventeen others, resident freeholders of Long Rapids, asking that township No. 32 north, of range seven east, Michigan, be organized into a new township, to be known as the township of Maple Ridge, respectfully represent that they have carefully considered said application, petition, and accompanying documents, and find that said petitioners have in all respects complied with the requirements of law, relative to the organization of new townships; and further that the public interests, and the convenience of the inhabitants more directly interested, seem to require the action asked for. We would therefore recommend that the prayer of the petitioners be granted, and recommend the adoption of the preamble and resolution hereto annexed.

CHARLES H. WISE,
WM. H. SANBORN,
JOHN A. KELLY, } Committee.

Dated January 5th, 1883.

PREAMBLE AND RESOLUTION ADOPTED.

By Supervisor Pangborn:

In the matter of the application of Frank DeLong, and seventeen others, all resident freeholders of the township of Long Rapids, Alpena county, Michigan, for the erection and organization of a new township, to be known as the township of Maple Ridge;

WHEREAS, An application in writing has been made to the board of supervisors of Alpena county, State of Michigan, by Frank DeLong, and seventeen others, resident freeholders of the township of Long Rapids, in said county, for the organization and erection of the territory comprising town thirty-two north, of range seven east, and the north half of town thirty-one north, of range

seven east, State of Michigan, into a new township to be known as the township of Maple Ridge, said territory being now a part of the township of Long Rapids, in said county, and

WHEREAS, All of said freeholders whose names are attached to said application reside in the township to be affected by said organization and erection into a new township, and the said board of supervisors being furnished with a map of the township affected thereby, showing the proposed alteration; and it appearing to said board, by due proof, that notice in writing of such intended application, signed by said freeholders, has been duly posted up and published in the manner, and during the time required by law; and it also appearing to said board, upon consideration thereof, that the said application ought to be granted;

Therefore, It is ordered and determined by said board that the territory described as follows, to wit: town number thirty-two (32) north, of range seven (7) east, and the north half of town numbered thirty-one (31) north, of range seven (7) east, State of Michigan, be and the same is hereby erected into a new township to be called and known as the township of Maple Ridge. That the first annual public meeting therein shall be held at the Gurnsey school-house, on Monday, the second day of April, A. D. 1883, and John J. Cathro, James Shelly, and Robert Mooney, three electors of said township, are hereby designated as the persons whose duties it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

Maple Ridge
organized.

And said above last named persons shall also constitute a board of registration, whose duties it shall be to perform the duties of such board of registration of such township, on said first election, to meet at the house of John J. Cathro the Saturday preceding said election; and that Robert Mooney shall post the notices of the time and place of holding such meeting.

The first township meeting to be held in the township of Long Rapids, from which said township of Maple Ridge is taken, shall be held at the Twaite's school-house, in said township of Long Rapids.

Adopted by ayes and nays as follows: A majority of all the members elected voting therefor to wit:

Ayes—Supervisors Gaffney, J. D. McDonald, Pangborn, Sanborn, Wise, and the chairman.

Nays—Supervisors D. R. McDonald and Spratt.

STATE OF MICHIGAN, { ss.
County of Alpena. }

I, Michael O'Brien, clerk of said county, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of the report of the committee on towns, and of the preamble and resolution adopted by said board, on the 26th day of January, A. D. 1883, with the original now of record

in my office, and that it is a true transcript therefrom, and of the whole of such original.

In testimony whereof I have hereunto set my hand and
 [L. S.] affixed the seal of the circuit court, for the county of Alpena, at Alpena, this sixteenth day of March, A. D. 1883.

MICHAEL O'BRIEN, *County Clerk.*

ANTRIM COUNTY.

At the annual meeting of the board of supervisors of the county of Antrim, in the State of Michigan, held and continued at the court room in the village of Bellaire, in said county, on the 14th day of October, A. D. 1881, the following resolution was adopted, to-wit:

WHEREAS, It appears to this board that application has been made, and that notice thereof has been signed, posted up, and published, as in manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, to-wit: Township number thirty (30) north, of range number five (5) west, being in the county of Antrim, be and the same is hereby erected into a township to be called and known by the name of the township of Star. The first annual meeting of said township shall be held at the house of John Zigler, on section twenty-two (22) of said township, on the first Monday of April in the year of our Lord one thousand eight hundred and eighty-two, at the usual hours for holding township meetings, and that A. J. Clark, L. M. Dibble and Wm. M. Wylie be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting as the law provides. Carried by yeas and nays as follows: Yeas—Messrs. Bender, Blakely, Crandall, Hackett, Hartwell, Johnson, Jackson, Kanagy, McLaughlin, Palmer, Severance, Thomson, Wilkinson—13. Nays—none.

Star organized.

STATE OF MICHIGAN, } ss.
County of Antrim.

I, John A. Harriman, clerk of the county of Antrim, and *ex-officio* clerk of the board of supervisors thereof, do hereby certify that the foregoing is a true and correct copy, compared by me, of a resolution passed and adopted by said board of supervisors on the 14th day of October, A. D. 1881, and the whole of such resolution.

In witness whereof I have hereunto set my hand, and affixed [L. S.] the seal of the circuit court of said county, at Bellaire, this 9th day of May, A. D. 1882.

JOHN A. HARRIMAN, *Clerk.*

CHIPPEWA COUNTY.

In the matter of the formation of a new township, to be called the township of Drummond, the following resolution was unanimously adopted by the vote of all the supervisors elect voting therefor:

In the matter of the application of certain freeholders for the erection and organization of a township.

WHEREAS, An application has been duly made to the board of supervisors of Chippewa county, Michigan, by Hugh McLarney, Joseph Mortelle, Thomas Sims, Samuel Taylor, Thomas Sims, Jr., Robt. Hill, W. C. Style, Hugh Melvin, James McEvoy, John V. Visneau, D. E. Horton, John Mitchell, Peter Olmstead, Peter Gaffney, Charles Fairchild, Freeman Fuller, G. D. Strickland, L. P. Hill, Benj. Seaman, Frances Boden, Andrew Nelson, Thomas McAdam, Wm. McAdam, Henry Anderson, J. W. Church, Mauner Sline, Thomas D. Butts, Edwin Seaman, Don Seaman, J. Letson, F. Alward, Robert Newell, W. D. Newell, Samuel Chambers, Duncan McLoud, Hugh Miller, Jacob Bowman, P. B. Smith, Wallace Hill, L. D. Hill, Ludlow Seaman, all of whom are freeholders and twelve of whom reside in the township or townships to be effected for the erection and organization into a new township of the territory hereinafter described, and the said board having been furnished with a map of all the territory and townships to be effected thereby and it appearing to said board by due proof that notice in writing of such intended application signed by at least twelve freeholders of the township or townships to be effected thereby, has been duly posted up and published in the manner and during the time required by law, and it also appearing by said board, upon consideration thereof that the said application ought to be granted; therefore it is ordered and determined by the said board that the territory described as follows to wit: All that part of the township of Detour, in the county of Chippewa, in the State of Michigan, lying east of a north and south line, passing along the western boundary of sections one, twelve, thirteen, twenty-four, twenty-five, and thirty-six, in township 41 north, of range four (4) east, said line extending north and south boundary line of said township of Detour, be and the same is hereby erected and organized into a new township to be called and known as the township of Drummond. That the first annual township meeting therein shall be held at the house of Edwin Seaman, on Monday, the second day of April next. And Charles Fairchild, Samuel Seamen, and James L. Grandy, three electors of said township, are hereby designated as the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as inspectors of any township meeting may exercise under the laws of this State; which was adopted by yeas and nays, a majority of all the supervisors elect voting therefor, to wit: Yeas—Supervisors Louis P. Trempe, Frank Perry, John Roussain, Charles S. Barker. Nays—none.

Drummond
organized.

STATE OF MICHIGAN, } ss.
Chippewa County.

I, George W. Brown, clerk of said county, and of the board of supervisors thereof, do hereby certify that the foregoing is a true and correct transcript carefully compared by me from the original record of the proceedings of the board of supervisors of said county, on the 3rd day of October, A. D. 1882, upon the application of Hugh McLarney, and others, for the erection and organization of a new township, now remaining in my office, and of the whole of such original record. And I further certify that the annexed is a true and correct copy of the map presented to said board on the said application.

In testimony whereof I have hereunto subscribed my name
 [L.S.] and affixed the seal of the circuit court for said county,
 this 18th day of January, A. D. 1883.

GEO. W. BROWN, *County Clerk.*

In the matter of the formation of a new township to be called
 the township of Pickford.

WHEREAS, An application has been duly made to the board of supervisors for the county of Chippewa, by certain freeholders, to wit: O. W. Pickford, Daniel McNaughton, Jonathan White, James Crawford, T. H. Pickford, Matthew Donaldson, William Crawford, C. R. Pickford, James Carr, Robert Kerr, William Hannab, James Walker, Louis P. Trempe, John J. Gardner, Thomas Ryan, John H. Rueble, W. H. Ferris, John Gornor, H. Feldman, Ed. J. Penney, Donald McKenzie, Joseph Laramee, W. S. Shaw, and C. D. O'Neal, all of whom are, and twelve of whom reside in each of the townships to be affected thereby, for the erection and organization into a new township of the territory herein-after described; and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of said intended application, signed by at least twelve freeholders of the township or townships to be thereby affected, has been duly posted up and published in the manner, and during the time required by law, and it also appearing to said board that the said application ought to be granted, and as follows: Thereupon it is ordered and determined by the board that the territory described as follows, to-wit: Town forty-three north, of range one east, town forty-four north, of range one east, and town forty-four north, range one, two, three, four, five, and six west, and the two southern tiers of sections in town forty-five north, range one, two, three, four, five, and six west, be and the same is hereby erected and organized into a new township, to be called and known as the township of Pickford; that the first annual meeting (township) therein, shall be held at the school-house at Pickford, on Monday the 2d day of April next, and Charles W. Pickford, James Kerr, and Daniel Sabin, three

Pickford
organized.

electors of said township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State; which was adopted by yeas and nays, a majority of all the members elect voting therefor, to wit: Yeas—Supervisors Louis P. Trempe, John Roussain, Frank Perry, and Charles S. Barker. On motion the foregoing minutes of the proceedings of the board of supervisors were read over and approved.

STATE OF MICHIGAN, } ss.
Chippewa County.

I, George W. Brown, clerk of said county, and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript, carefully compared by me from the original record of the proceedings of the board of supervisors of said county, on the 29th day of December, in the year A. D. 1882, upon the application of Chas. W. Pickford and others, for the erection and organization of a new township, now remaining in my office, and the whole of such original record; and I further certify that the annexed is a true and correct copy of the map presented to said board, on the said application.

In testimony whereof I have hereunto subscribed my name,
[L. S.] and affixed the seal of the circuit court for said county,
this 18th day of January, A. D. 1883.

GEORGE W. BROWN, *County Clerk.*

DELTA COUNTY.

At the annual meeting of the board of supervisors for the county of Delta, continued and held at the county clerk's office, in the village of Escanaba, in said county, on Tuesday, the twenty-eighth day of December, in the year of our Lord one thousand eight hundred and eighty, were present, John D. Ross, chairman, of Ford river; Thomas J. Streeter, Nahma; John B. Kitchen, Fairbanks; Robert Peacock, Masonville; Azel Lathrop, Maple Ridge; Edward Ansell, Sr., Sack Bay; Charles E. Brotherton, Escanaba. Were absent, William W. Oliver, Baldwin; William Shipman, Winona.

The meeting was called to order by the chairman.

In the matter of the application of Winslow Shaw, F. C. Brissett, Isaac Robers, George Lansigne, Joseph S. Williams, and twenty-six others, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made and that notice thereof has been signed, posted up, and published, as in the manner required by law, and having duly considered the matter of said application, bounded as follows, to wit: Township thirty-nine (39) north, of range twenty-four (24) west, the west half and the northeast quarter of township thirty-eight

Bark River
organized.

(38) north, of range twenty-four (24) west, did erect into a town to be known and called by the name of the township of Bark River the following territory to wit: The west half of township thirty-nine (39) north, of range twenty-four (24) west, and the west half of township thirty-eight (38) north, of range twenty-four (24) west. The first annual township meeting thereof shall be held at the store of Joseph S. Williams, on Monday, the fourth day of April next, at ten o'clock A. M., and at said meeting Augustus Hakes, Barrice Belonger, and George Lansigne, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of elections, at any township meeting, as the law provides.

Upon the adoption of the above, the ayes and nays being called resulted as follows:

Ayes—Meers, Kitchen, Brotherton, Ansell, Streeter, and Lathrop. Nays—Mr. Peacock.

STATE OF MICHIGAN, } ss.
County of Delta.

I, Edwin P. Barras, county clerk within and for said county, do hereby certify that the above and foregoing is a true and complete copy of the action of the board of supervisors of said county of Delta, in the erection of said township of Bark River, taken from the journal of said board of supervisors and of the whole thereof.

Witness my hand and seal of said county, at Escanaba, in [L. a.] said county, this 21st day of September, A. D. 1882.

EDWIN P. BARRAS, Clerk.

At the annual meeting of the board of supervisors of the county of Delta, continued and held at the county clerk's office, in the village of Escanaba, in said county, on Tuesday, the eleventh day of October, in the year of our Lord one thousand eight hundred and eighty-one, present, Samuel Elliott of Sack Bay; Thomas J. Streeter, Nahma; Samel Blake, Masonville, Axel Lathrop, Maple Ridge; John D. Ross, Ford River; William W. Oliver, Baldwin; Peter Nelson, Bark River; George T. Burns, Escanaba. Absent, John B. Kitchen, Fairbanks; Reuben S. Allen, Winona.

Thomas J. Streeter was elected chairman *pro tem.* of the board. In the matter of the application of Hans C. Jacobson, William Whitehouse, Ole Erickson, John Peterson, Michael Fitzpatrick, W. H. Smith, and ten others for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published, as in the manner required by law, and having duly considered the matter of said application, bounded as follows, to wit: All of fractional township thirty-nine (39) north, of range twenty (20) west, all of fractional township thirty-eight (38) north of

range twenty-one (21) west, all of township thirty-nine (39) north, of range twenty-one (21) west, and all of that part of township thirty-eight (38), thirty-nine (39), and forty (40) north, of range twenty-two (22) west, lying east of Little Bay De Noc; therefore we do grant said application, and do erect into a township the above described territory to be known and called by the name of the "township of Bay De Noc." The first annual township meeting thereof shall be held at the residence of Charles J. Stratton, on the first Monday of April next, at ten o'clock A. M., and at said meeting Charles J. Stratton, James Worthing, and Ole Gunderson, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of elections at any township meeting as the law provides. The ayes and noes being called resulted as follows: Ayes—Messrs Elliott, Blake, Lathrop, Ross, Oliver, Nelson, and Burns. Noes—none.

STATE OF MICHIGAN, } ss.
County of Delta. }

I, Edwin P. Barras, county clerk within and for said county, do hereby certify that the above and foregoing is a true and compared copy of the action of the board of supervisors of said county of Delta in the erection of said township of Bay De Noc, taken from the journal of said board of supervisors, and of the whole thereof.

Witness my hand and seal of said county at Escanaba, in
[L. S.] said county, this 21st day of September, A. D. 1882.
EDWIN P. BARRAS, *Clerk.*

GRAND TRAVERSE COUNTY.

ORGANIZATION OF GREEN LAKE TOWNSHIP.

In the matter of the application of certain freeholders for the erection and organization of a new township.

WHEREAS, An application has been duly made to the board of supervisors of the county of Grand Traverse, by Henry Brown, Wm. Dexter, A. H. Brown, James Keyes, J. O. Bridge, Byron Bridge, Addie B. Curtis, Mrs. S. Rustine, H. T. Bridge, Spencer Corey, S. W. Thompson, Mary E. A. Bruner, H. T. Smith, A. M. C. Lewis, A. L. Kimball, Oscar L. Kenney, Richard Hance, Mrs. Murrell, F. M. Murrell, all of whom are freeholders and reside in said township of Blair, for the erection and organization into a new township of the territory hereinafter described; and the said board having been furnished with a map of all the townships to be affected thereby; and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township to be affected thereby, has been duly posted up and published in the manner and during the time

Bay De Noc
organized.

required by law; and it also appearing to said board, upon consideration thereof, that the said application ought to be granted;

Thereupon, It is ordered and determined by the said board in the territory described as follows, to wit: All of township twenty-six north, of range twelve west, in said county of Grand Traverse be and the same is hereby erected and organized into a new township, to be called and known as the township of Green Lake; the first annual township meeting shall be held at the residence of Kendall Bennett, on section 13 of said town, on the first Monday in April, 1883, and that Willis Wightman, A. M. C. Lewis, and W. D. Wilcox, three electors of said township, be designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State; and that Wm. Dexter be designated as the one to post the notices of said election.

Adopted by yeas and nays, a majority of all the members voting therefor, to wit:

Yea—Fife Lake, Garfield, Grant, Long Lake, Mayfield, Peninsula, Whitewater. Nays—Blair, East Bay, Paradise, Traverse.

STATE OF MICHIGAN, }
County of Grand Traverse. } ss.

I, O. P. Carver, clerk of said county, and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript, carefully compared by me from the original record of the proceedings of the board of supervisors of said county, on the fourth day of January, in the year of our Lord one thousand eight hundred and eighty-three, upon the application of Henry Brown and others, for the erection and organization of a new township now remaining in my office, and of the whole of such original record. And I further certify that the annexed is a true and correct copy of the map presented to said board on the said application.

In testimony whereof, I have hereunto subscribed my name
[L. S.] and affixed the seal of the circuit court for said county,
this fifth day of January, A. D. eighteen hundred and eighty-three.

O. P. CARVER, County Clerk

MARQUETTE COUNTY.

In the matter of the application of J. H. Elmore, Superintendent of the Crystal Falls Iron Company, and others, for the division of the township of Ely, by detaching certain territory therefrom, and the organization of a new township, to consist of the territory so detached.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published, as in the manner required by law, and having duly considered the matter of said application, the board order and enact

Green Lake
organized.

that a portion of the territory described in said application, to-wit: Townships forty-two (42), forty-three (43), and forty-four (44) north, of range thirty-one (31), thirty-two (32), and thirty-three (33) west, be and the same is hereby detached from the township of Ely, and that the said territory so detached be and is hereby erected into a township to be known as the township of Crystal Falls. The first annual township meeting thereof shall be held at Doucett's hall so called, in said new township, on the twenty-ninth day of May, A. D. 1882, at nine o'clock in the forenoon, and at said meeting Solomon D. Hollister, William Doucett, and Patrick E. Dunn shall be the persons whose duty it shall be (three electors of said township), to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election, at any township meeting, as the law provides.

STATE OF MICHIGAN, } ss.
County of Marquette. }

I, William Rowland, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board, and the copy thereto attached, of the map or survey of the new township of Crystal Falls, in my office, and furnished to said board on the application for detaching certain territory from the township of Ely, and for the erection and organization of said new township of Crystal Falls, to consist of the territory so detached, and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting held at Marquette, in said county, on the first day of May, 1882, as appears by their record.

In testimony whereof I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court of said county, this tenth day of May, A. D. 1882.

WILLIAM ROWLAND,
County Clerk, and Clerk of Board of Supervisors.

At the annual meeting of the board of supervisors of Marquette county, commenced and held at the court-house, in the city of Marquette, in said county, on Monday the ninth day of October, A. D. one thousand eight hundred and eighty-two, the meeting was called to order by the chairman, and the roll being called by the clerk, the following named supervisors were present: Messrs. Bertrand, Christopher, Connors, Cummings, Donahoe, Doty, Foard, Hall, Harvey, Kirkpatrick, Maas, Pickands, Read, Stevens, and chairman. Absent, Messrs. Desjardins, Dunn, Ellis, Gaffney, Hibbert, Howard, James, Pascoe, and Ley.

By the special committee to whom was referred the petition of John B. Maas and other freeholders, asking that certain territory be detached from the township of Ely, and a new township be erected to be known as the township of Felch:

To the Honorable Board of Supervisors of the County of Marquette:

GENTLEMEN: Your committee to whom was referred the application of John B. Maas and eleven others, for the erection and organization of a new township to be called the township of "Felch," respectfully report that they have considered the said application, and the proceedings thereto, and having unanimously agreed that the said application ought to be granted, your committee report the accompanying resolution, and recommend its adoption by the board and ask to be discharged from further consideration of the same.

J. F. STEVENS,
JOSEPH KIRKPATRICK,
JOHN P. CHRISTOPHER,

Committee.

In the matter of the application of twelve freeholders for the division of the township of Ely, by detaching certain territory therefrom, and the erection and organization of the new township of "Felch," the same to embrace the territory so detached.

WHEREAS, An application has been duly made to the board of supervisors of the county of Marquette, by John B. Maas, Frank M. Maas, Granville B. Lobb, Wm. Pelmear, Mike Johnson, Leo Pepin, Frone Simanat, Joseph Pepin, Angus Beln, Moes Varville, Albert Marceau, and James Sanders, all of whom are freeholders, residing in the township of Ely, to be affected thereby, for the erection and organization into a new township of the territory hereinafter described; and the said board having been furnished with a map of the township to be affected thereby, and it appearing to the said board by due proof, that notice in writing of such intended application, signed by twelve freeholders of the township to be affected thereby, has been duly posted up and published, in the manner and during the time required by law, and it also appearing to said board upon consideration thereof that the said application ought to be granted, thereupon it is ordered and determined by the said board, that the territory described as follows, to wit: Townships forty-two (42) and forty-three (43) north, of ranges twenty-eight (28), twenty-nine (29), and thirty (30), be and the same is hereby erected and organized into a township to be called and known as the township of "Felch;" that the first annual township meeting therein shall be held at the Metropolitan Iron and Land Company's store, in said new township, on the seventh day of November, A. D. 1882. and Jeff. Day, Patrick Carey, and William Hutchinson, three electors of such township, are hereby designated as persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

Felch organized.

On motion of Mr. Donahoe the above report was accepted and adopted, and the committee discharged from further consideration of the subject.

STATE OF MICHIGAN, } ss.
County of Marquette. }

I, William Rowland, clerk of said county, and clerk of the board of supervisors, do hereby certify that the foregoing is a true and compared copy of an order of the board of supervisors of said county, organizing the township of "Felch," now remaining of record in my office, and of the whole of said order.

In testimony whereof I have hereunto set my hand and affixed the seal of said county, at the city of Marquette, [L. s.] this 31st day of October, in the year of our Lord one thousand eight hundred and eighty-two.

WILLIAM ROWLAND, Clerk.

In the matter of the application of R. L. Selden and others for the division of the township of Ely by detaching certain territory therefrom, and the organization of a new township to consist of the territory so detached.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published, as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application to wit, townships forty-two (42), forty-three (43), and forty-four (44) north, of range thirty-four (34), thirty-five (35), thirty-six (36), and thirty-seven (37) west, be and the same is hereby detached from the township of Ely, and that the said territory so detached be and is hereby erected into a township to be known by the name of the township of Iron River Iron River organized.

The first annual township meeting thereof shall be held at the house of W. H. Selden, in said new township, on the twenty-ninth day of May, A. D. 1882, at 9 o'clock in the forenoon, and at said meeting Henry Stanley, Elisha Morgan, and Richard L. Selden, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same power as the inspectors of election at any township meeting as the law provides.

STATE OF MICHIGAN, } ss.
County of Marquette. }

I, William Rowland, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board, and the copy thereto attached of the map or survey of the new township of Iron River in my office, and furnished to said board on the application for detaching certain territory from the township of Ely, and for the erection and organization of said new township of Iron River, to consist of the territory so detached, and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting held at Marquette

in said county, on the first day of May, 1882, as appears by their record.

In testimony whereof I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court of said county, the tenth day of May, A. D. 1882.

WILLIAM ROWLAND,
County Clerk, and Clerk of the Board of Supervisors.

MISSAUKEE COUNTY.

In the matter of the application of certain freeholders for the erection and organization of a new township.

WHEREAS, An application has been duly made to the board of supervisors of the county of Missaukee, by Simon Van Auken, N. H. Young, A. C. McNitt, H. N. McFadden, James McConnell, H. J. Furgeson, E. E. Anderson, J. Murphy, J. N. Happins, Wm. Chappell, George Spence, Frank Schryer, L. A. Barker, W. Reeder, A. C. Lewis, L. Charter, Ed. A. Pierson, John D. Ranson, Oren McGovern, D. Reeder, J. A. Teal, John Whiteford, John Armstrong, and H. H. Long, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby, for the erection and organization of a new township of the territory hereinafter described, and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board, by due proof, that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be thereby affected, and it appearing to said board, by due proof, that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be affected, has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board, upon consideration thereof, that the said application ought to be granted,

Thereupon, It is ordered and determined by the said board that the territory described as follows, to wit: Town twenty-two (22) north, of range eight (8) west, bounded as follows, to wit: On the north by town 23 north, of range 8 west, on the east by town 22 north, of range 7 west, on the south by town twenty-one (21) north, of range 8 west, and on the west by Wexford county, be and the same is hereby erected and organized into a new township, to be called and known as the township of Lake; that the first annual township meeting therein shall be held at Van Auken's hotel, on Monday, the 2d day of April next, and Thomas Walker, George Wallace, and Simeon Van Auken, three electors of said township, are hereby designated as the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep open the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State. A majority of all the members elected voting therefor.

STATE OF MICHIGAN, } ss.
County of Missaukee. }

I, Abraham Stout, clerk of the county aforesaid, and clerk of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy with the original action of said board recorded in my office, and the said copy is a true transcript from the original record of the resolution adopted by said board at their meeting held at Lake City, in said county, on the fourteenth day of October, 1882.

In witness whereof, I have hereunto set my hand and affixed
 [L. S.] the seal of the circuit court of said county, 14th day
 day of March, A. D. 1883.

ABRAHAM STOUT, County Clerk.

MONTMORENCY COUNTY.

County Clerk's Office.

At a special meeting of the board of supervisors of Montmorency county, held at the court-house in the village of Hillman, in said county, on the 13th day of March, A. D. 1883, the following business was transacted.

In the matter of the application of H. A. Brigden and twenty-six others, all resident freeholders of the township of Briley, Montmorency county, Michigan, for the erection and organization of a new township, to be known as the township of Albert.

WHEREAS, An application in writing has been made to the board of supervisors of the county of Montmorency, State of Michigan, by H. A. Brigden, and twenty-six others, resident freeholders of the township of Briley, in said county, for the organization and erection of the territory comprising town twenty-nine north, range one east, town twenty-nine north, range two east, and the south half of town thirty north, range one east, State of Michigan, into a new township, to be known as the township of Albert, said territory being now a part of the township of Briley, in said county;

AND WHEREAS, All of said freeholders, whose names are attached to said application, reside in the township to be affected by such erection and organization into a new township, and that the said board of supervisors having been furnished with a map of the township to be affected thereby, showing the proposed alterations, and it appearing to said board by due proof that notice in writing of such intended application, signed by said freeholders, has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board, upon consideration thereof, that the said application ought to be granted, therefore it is ordered and determined by the said board that the territory described as follows, to wit: Town twenty-nine north, of range one east, town twenty-nine north, of range two east, and the south half of town thirty north, of range one east, State of Mich-

Albert organized.

igan, be and the same is hereby erected and organized into a new township, to be called and known as the township of Albert; that the first annual township meeting therein shall be held in the McCormack school-house, in district number five, in the present township of Briley, on Monday the second day of April, A. D. 1883, and M. M. McCormack, John Paul, and Joseph E. Staninger, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State, and said above last named persons shall also constitute a board of registration, whose duty it shall be to perform the duties of board of registration of such township on said first election, to meet at the McCormack school-house, in district number five, in the present township of Briley, the Saturday preceding said election, and that M. M. McCormack post the notices of the time and place of holding such meeting. The first township meeting to be held in the township of Briley, from which said township of Albert is taken, shall be held at the Willyard school-house in said township of Briley. Adopted by yeas and nays, all the members elected voting therefor, to wit: Yeas—Supervisors Brigden, Renseberry, and the chairman. Nays—none.

STATE OF MICHIGAN, { ss.
County of Montmorency, }

I, John C. Adams, clerk of the county aforesaid, and of the board of supervisors of said county, do hereby certify that the foregoing is a true and correct statement of the action of said board on the matters therin contained, and that the same has been compared by me with the original acts on file in my office, and that it is a true and correct transcript therefrom, and of the whole of said original act; and I further certify that the foregoing order of said board was passed by them at a meeting held at the village of Hillman, in said county, on the 13th day of March, A. D. 1883, as appears by their record.

In testimony whereof, I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court for said county this
15th day of March, A. D. 1883.

JOHN C. ADAMS, County Clerk.

OSCODA COUNTY.

ORGANIZATION OF BIG CREEK TOWNSHIP.

In the matter of the application of certain freeholders for the erection and organization of a new township.

WHEREAS, An application has been duly made to the board of supervisors of the county of Oscoda, by Stephen Richardson, Wm. W. Tomlinson, M. B. H. Gaman, David Stark, Wm. Stark, John H. Smith, Lonson Smith, Peter Parady, Algenon Gregory, W. D.

Tomlinson, L. H. Lattin, J. Elmer Weeks, Charles W. Bennett, all of whom are freeholders and reside in Mt. Pindus township, twelve of whom residing in the territory to be so organized, for the erection and organization into a new township of the territory herienaster described; and the said board having been provided with a map of all the townships to be affected thereby, and it appearing to said board, by due proof, that notice in writing of such intended application, so signed by at least twelve freeholders of the township to be affected thereby, has been duly posted up and published in the manner and during the time prescribed by law, and it appearing to said board, upon consideration thereof, that the said application ought to be granted,

Therefore, It is ordered and determined by the said board that the territory described as follows, to wit: Town twenty-six north, of range one east, be and the same is hereby erected and organized into a new township, to be called and known as the township of Big Creek. That the first annual township meeting shall be held at the residence of Myron B. Hagaman, in said township, on the first Monday of April, A. D. 1883, and at said meeting Wm. W. Tomlinson, Myron B. Hagaman, and Henry S. Pettibone, three electors of said township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

*Big Creek
organized*

Adopted by yeas and nays as follows: Yeas—Maynard Butts, Stephen Richardson, Hubbard Briggs. Nays—0.

STATE OF MICHIGAN, } ss.
County of Oscoda. }

I, Revilo H. Fosdick, clerk of said county, and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript, carefully compared by me from the original record of the proceedings of the board of supervisors of said county, on the twentieth day of December, in the year of our Lord one thousand eight hundred and eighty-two, upon the application of Stephen Richardson and others, for the erection and organization of a new township, now remaining in my office, and of the whole of such original record.

In testimony whereof, I have hereunto subscribed my name [L. S.] and affixed the seal of the circuit court for said county, this thirtieth day of December, A. D. eighteen hundred and eighty-two.

REVILO H. FOSDICK, *County Clerk.*

ORGANIZATION OF ELMER TOWNSHIP.

In the matter of the application of certain freeholders for the organization of a new township.

WHEREAS, An application has been duly made to the board of

supervisors of the county of Oscoda, by A. W. Marshall, D. D. Marshall, J. L. Goodrich, John Thompson, Mark Bannister, Andrew Young, Chas. Van Antwerp, George W. Marsh, E. M. Marsh, Edward Briggs, Henry Campbell, Marcus Wood, S. A. Skinner, J. P. Curtis, James Atherton, Joseph Mapes, Odell Chapman, Harvey Cook, Wm. Onderkirk, Jacob Frank, B. Butcher, David Wilson, Julius Seaman, all of whom are freeholders, and reside in Atherton township, twelve of whom residing in the territory to be so organized, for the erection and organization into a new township of the territory hereinafter described, and the said board having been provided with a map of all the townships to be affected thereby, and it appearing to said board by due proof, that notice in writing of such intended application so signed by at least twelve freeholders of the township to be affected thereby, has been duly posted up and published in the manner and during the time prescribed by law, and it also appearing to said board, upon consideration thereof, that said application ought to be granted, thereupon it is ordered and determined by said board that the territory described as follows, to wit: Town twenty-seven north, of range two east, and town twenty-eight north, of range two east, be and the same is hereby erected and organized into a new township, to be called the township of Elmer, and the first annual township meeting shall be held at the residence of Jas. L. Goodrich, on section eighteen, on the first Monday of April, A. D. 1883, and James L. Goodrich, A. W. Marshall, and Harvey Cook, three electors of said township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State. Adopted by yeas and nays as follows: Yeas—Maynard Butts, Stephen Richardson, Hubbard Biggs. Nayes—0.

*Elmer
organized.*

STATE OF MICHIGAN, } ss.
County of Oscoda. }

I, Revilo H. Fosdick, clerk of said county, and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript, carefully compared by me from the original record of the proceedings of the board of supervisors of said county, on the twentieth day of December, in the year of our Lord one thousand eight hundred and eighty-two, upon the application of A. W. Marshall and others for the erection and organization of a new township, now remaining in my office, and of the whole of such original record.

In testimony whereof I have hereunto subscribed my name,
and affixed the seal of the circuit court for said county
[L. S.] this thirtieth day of December, A. D. eighteen hundred and eighty-two.

REVILO H. FOSDICK, *County Clerk.*

ORGANIZATION OF GREENWOOD TOWNSHIP.

In the matter of the application of certain freeholders for the erection and organization of a new township.

WHEREAS, An application has been duly made to the board of supervisors of the county of Oscoda by Milo S. Goodrich, Frank Goodrich, Asahel Crawford, Stephen Richardson, Jos. H. McDonald, Allen A. Simons, Geo. W. Randall, Isaac G. Sowles, William Elliott, Joseph L. Sears, Daniel C. Calkins, Lewis L. Robinson, B. R. Rice, all of whom are freeholders and reside in Mt. Pindus township, twelve of whom residing in the territory proposed to be so organized, for the erection and organization of a new township of the territory hereinafter described, and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township to be affected thereby, has been duly posted up and published in the manner and time required by law, and it also appearing to said board upon consideration thereof that the said application ought to be granted; thereupon it is ordered and determined by the said board that the territory described as follows, to wit: Town twenty-seven north, of range one east, and town twenty-eight north, of range one east, be and the same is hereby erected and organized into a new township to be called and known as the township of Greenwood; that the first annual township meeting shall be held at the house of Milo S. Goodrich, of said township, on the first Monday of April, A. D. 1883, and at said meeting Asahel Crawford, Milo S. Goodrich, and Frank C. Goodrich, three electors of said township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

Greenwood
organized.

It is further ordered and determined that the next township meeting for the township of Mt. Pindus shall be held at the house of Clark Bailey, of said township, on the first Monday of April, A. D. 1883, and at said meeting Stephen Richardson, Frank E. Jenkins, and Hebron Rogers shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State. Adopted by yeas and nays as follows: Yeas—Maynard Butts, Stephen Richardson, Hubbard Biggs. Nays—0.

STATE OF MICHIGAN, } ss.
County of Oscoda. }

I, Revilo H. Fosdick, clerk of said county and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript carefully compared by me from the original record of the proceedings of the board of supervisors of said county on the twentieth day of December, in the year of our Lord one thousand eight hundred and eighty-two, upon the application of Milo S.

Goodrich and others for the erection and organization of a new township, now remaining in my office, and of the whole of said original record.

In testimony whereof I have hereunto subscribed my name
[L. S.] and affixed the seal of the circuit court for said county
this thirtieth day of December, A. D. eighteen hundred
and eighty-two.

REVILO H. FOSDICK, *County Clerk.*

ORGANIZATION OF HARMON TOWNSHIP.

In the matter of the application of certain freeholders for the erection and organization of a new township.

WHEREAS, An application has been duly made to the board of supervisors of the county of Oscoda, by A. K. Pattullo, B. F. Eckley, Geo. W. Marsh, E. M. Marsh, John Finch, E. D. Finch, W. H. Baker, T. H. Degarmond, John Lavery, John A. Stevens, W. J. Thompson, Joseph Mapes, James Atherton, all of whom are freeholders, and reside in Atherton township, twelve of whom residing in the territory to be so organized, for the erection and organization into a new township of the territory hereinafter described, and the said board having been provided with a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, so signed by at least twelve freeholders of the township to be affected thereby, has been duly posted up and published in the manner, and during the time prescribed by law, and it also appearing to said board upon consideration thereof, that said application ought to be granted, thereupon it is ordered and determined by the said board that the territory described as follows, to wit: Town twenty-six north, of range two east, be and the same is hereby erected and organized into a new township to be called and known as the township of Harmon; that the first annual township meeting shall be held at the Pattullo school-house, on section eighteen, in said township, on the first Monday of April, A. D. 1883, and John Lavery, A. K. Pattullo, and Thomas H. Degarmond, three electors of said township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State. Adopted by yeas and nays as follows: Yeas—Maynard Butts, Stephen Richardson, Hubbard Biggs. Nays—0.

*Harmon
organized.*

STATE OF MICHIGAN, } ss.
County of Oscoda, }

I, Revilo H. Fosdick, clerk of said county, and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript, carefully compared by me, from the original record of the proceedings of the board of supervisors of said county, on the

¶ twentieth day of December, in the year of our Lord one thousand
¶ eight hundred and eighty-two, upon the application of A. K.
Pattullo and others for the erection and organization of a new
township, now remaining in my office, and of the whole of such
original record.

¶ In testimony whereof I have hereunto subscribed my name
and affixed the seal of the circuit court for said county
[L. S.] this thirtieth day of December, A. D. eighteen hundred
and eighty-two.

REVILO H. FOSDICK, *County Clerk.*

ORGANIZATION OF LONG LAKE TOWNSHIP.

In the matter of the application of certain freeholders for the erection and organization of a new township.

WHEREAS, An application has been duly made to the board of supervisors of the county of Oscoda by Chas. N. Johnston, Sardis J. Nevins, L. D. Wariner, H. G. Ward, Charles J. King, Jacob Erwin, Francis E. Hayes, Raymond Ward, W. S. Fowler, Frank Sandy, George Joslin, G. Dobbyn, Edmund Ward, John Randall, John N. Colgrove, S. N. Parsons, L. A. Sly, Lester Sly, Frank Fuller, Winfield Cramer, John E. Wright, Wm. H. Winton, David Cameron, John Evans, Allen Slater, all of whom are freeholders and reside in Comins township, twelve of whom residing in the territory to be so organized, for the erection and organization into a new township of the territory hereinafter described, and the said board having been provided with a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application so signed by at least twelve freeholders of the township to be affected thereby, has been duly posted up and published in the manner and during the time prescribed by law, and it also appearing to said board upon consideration thereof that the said application ought to be granted; thereupon it is ordered and determined by the said board that the territory described as follows, to wit: Town twenty-five north, of range three east, and town twenty-five north, of range four east, be and the same is hereby erected and organized into a new township to be called and known as the township of Long Lake; that the first annual township meeting shall be held at the residence of Francis E. Hayes on section nine, on the first Monday of April next, and Francis E. Hayes, W. S. Fowler, and S. J. Nevins, three electors of said township are hereby designated as the persons whose duty it shall be to preside at the said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State. Adopted by yeas and nays as follows: Yeas—Maynard Butts, Stephen Richardson, Hubbard Biggs. Nays—0.

Long Lake
organized.

STATE OF MICHIGAN, } ss.
County of Oscoda. }

I, Revilo H. Fosdick, clerk of said county and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript, carefully compared by me, from the original record of the proceedings of the board of supervisors of said county on the nineteenth day of December, in the year of our Lord one thousand eight hundred and eighty-two, upon the application of Chas. S. Johnston and others for the erection and organization of a new township, now remaining in my office, and of the whole of such original record.

In testimony whereof I have hereunto subscribed my name
 [L. s.] and affixed the seal of the circuit court for said county,
 this thirtieth day of December, A. D. eighteen hundred
 and eighty-two.

REVILO H. FOSDICK, *County Clerk.*

ORGANIZATION OF MENTOR TOWNSHIP.

In the matter of the application of certain freeholders for the erection and organization of a new township.

WHEREAS, An application has been duly made to the board of supervisors of the county of Oscoda by John Randall, S. N. Parsons, Hubbard Biggs, John N. Colegrave, George Biggs, L. A. Sly, Lester Sly, Edward Smith, William H. Smith, Frank Fuller, W. H. Winton, Daniel Sly, Emerson Annis, L. D. Warriner, Sardis J. Nevins, Francis E. Hayes, Frank Sandy, George Joslin, Chas. M. Johnsten, John E. Wright, Edmund Ward, Winfield Cramer, John C. Winton, Allen Slater, David Cameron, all of whom are freeholders and reside in Comins township, twelve of whom residing in the territory proposed to be so organized, for the erection and organization of a new township of the territory hereinafter described, and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township to be affected thereby, has been duly posted up and published in the manner and time required by law, and it appearing to said board upon consideration thereof, that the said application ought to be granted, thereupon it is ordered and determined by the said board that the territory described as follows, to wit: Town twenty-six north, of range three east, and town twenty-six north, of range four east, be and the same is hereby erected and organized into a new township, to be called and known as the township of Mentor, that the first annual township meeting shall be held in the court room at Mioe, on section eighteen, on the first Monday in April next, and Hubbard Biggs, John Randall, C. M. Comins, three electors of said township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the

Mentor
organized.

polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State. It is further ordered and determined that the next township meeting for the township of Comins shall be held at the residence of Alexander C. Scott, in town twenty-seven north, of range three east, on section two, and Alexander C. Scott, John Winton, and Elijah Wright, three electors of said township, are hereby designated as the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State. Adopted by yeas and nays as follows: Yeas—Maynard Butts, Stephen Richardson, Hubbard Biggs. Nays—0.

STATE OF MICHIGAN, } ss.
County of Oscoda,

I, Revilo H. Fosdick, clerk of said county, and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript, carefully compared by me from the original record of the proceedings of the board of supervisors of said county, on the nineteenth day of December, in the year of our Lord one thousand eight hundred and eighty-two, upon the application of John Randall and others for the erection and organization of a new township, now remaining in my office, and of the whole of such original record.

In testimony whereof I have hereunto subscribed my name,
and affixed the seal of the circuit court for said county,
[L. s.] this thirtieth day of December, A. D. eighteen hun-
dred and eighty-two.

REVILO H. FOSDICK, *County Clerk.*

OTTAWA COUNTY.

At an adjourned meeting of the board of supervisors of the county of Ottawa, continued and held at the court house in the city of Grand Haven, said county, on Thursday, the 4th day of January, 1883. Board met pursuant to adjournment. Present at roll call 19; absent, 1.

* * * * *

In the matter of the petition of Wm. A. Davis and other citizens of Tallmadge and Allendale for the detaching of certain territory from the township of Tallmadge and attaching the same to the township of Allendale.

The application of Wm. A. Davis and other freeholders of the townships of Allendale and Tallmadge, having been made for the detaching of sections 19 and 30, and all of sections 7, 17, 18, 20, and 29 that lies south and west of Grand river from the township of Tallmadge, Ottawa county, Michigan, and attaching the same to

the township of Allendale, in said county, and the necessary steps thereto having been taken, therefore

Resolved, That sections 19 and 30, and all of sections 7, 11, 20, and 29 that lies south and west of Grand river, in the town of Tallmadge, town 7 north, range 13 west, Ottawa county, Michigan, be detached therefrom and attached to the township of Allendale, Ottawa county, Michigan, town 7, range 14 west.

On motion of Mr. Hall the resolution was adopted by the following vote: Yeas—Messrs. Latham, Hall, Bond, Akeley, Piffard, Mastenbrock, Beach, Diekema, Fellows, Thayer, Hay, Bilz, and Van Hees—14. Nays—Messrs. Sehler, Weather Avery, Pelton, and Kelly—5.

H. C. AKELY, Chairman.

GEORGE D. TURNER, Clerk.

STATE OF MICHIGAN, } ss.
County of Ottawa. }

I, George D. Turner, clerk of said county of Ottawa and of the board of supervisors thereof, do hereby certify that I have compared the above and foregoing copy of a resolution of said board of supervisors with the original record thereof in my office, as clerk of said board, and that said copy is a true copy and statement of the action of said board relating to said matter, and I further certify that the foregoing resolution of said board was passed by them at their meeting held at the time and place above stated, as appears by the record thereof in my office.

In testimony whereof I have hereunto set my hand and [L. A.] affixed the seal of the circuit court of said county at the city of Grand Haven, this twenty-fourth day of January, A. D. 1883.

GEORGE D. TURNER, County Clerk.

SANILAC COUNTY.

STATE OF MICHIGAN, } ss.
County of Sanilac. }

At a session of the board of supervisors of said county continued and held at the court-house in the village of Sandusky, in said county, on the 20th day of October, A. D. 1881.

In the matter of the application of Isaac Horton and others, certain freeholders, for the erection and organization of a new township.

WHEREAS, An application has been duly made by Isaac Horton, Thomas O'Rourke, John O'Rourke, Thomas Farnsworth, James O'Rourke, Patrick O'Rourke, Peter O'Rourke, M. Clark, Joseph Kidd, Charles Reinault, Jeremiah Sullivan, Michael Brady, S. E. Palmer, Isaac Cooley, B. B. Bishop, David Stewart, William Hill, F. E. Meacham, William Folkler, James Boddy, L. E. Winslow.

all of whom are freeholders, and twelve of whom are residents in each of the townships to be affected thereby, for the erection and organization of a new township of the territory hereinafter described; and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the townships to be affected thereby, has been duly posted up and published in the manner, and during the time required by law, and it also appearing to said board upon consideration thereof, that the said application ought to be granted, therefore it is ordered and determined by the said board that the territory described as follows, to wit: Town thirteen north, of range fourteen east, be and the same is hereby erected and organized into a new township, to be called and known as the township of Wheatland. That the first annual township meeting therein shall be held at the O'Rourke school-house on the first Monday of April next, and Isaac Horton, Charles Reinault, and F. E. Meacham, three electors of such township are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as may be exercised by the inspectors of any township meeting under the laws of this State. And the next township meeting in the township of Marion shall be held at the Wright school-house, in the said township of Marion, on the first Monday of April next, and the inspectors of election are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

*Wheatland
organized*

STATE OF MICHIGAN, } ss.
County of Sanilac. }

I, Andrew W. O'Keefe, clerk of the county of Sanilac and of the board of supervisors thereof, hereby certify the above and foregoing is a true and compared copy of the original record now remaining in my office of the findings and determination of the said board of supervisors relative to the erection and organization of the township of Wheatland, in said county.

In testimony whereof I have this day hereunto set my hand
 [L. S.] and affixed the seal of the circuit court for said count
 Dated this 20th day of June, A. D. 1882.

ANDREW W. O'KEEFE, Clerk.

SCHOOLCRAFT COUNTY.

In the matter of the application of Zeekiel Ackley, W. W. French, and others, freeholders of the township of Manistique, for the erection of a new township.

An application signed by twelve freeholders of the township of Manistique, in this county, having been presented to this board

Germfask
organized.

asking that townships forty-one (41), forty-two (42), forty-three (43), forty-four (44), and forty-five (45) north, of range thirteen (13) west, be detached from the township of Manistique and organized into a new township, to be known as the township of Germfask, which application is accompanied by a map of all the townships to be affected by the division showing the proposed division, and it appearing by due proof to the satisfaction of the board that notice of the presentation of the said application at the time and place has been posted and published in the manner required by law, and after due deliberation it being deemed expedient that said application should be granted; therefore the board of supervisors of the county of Schoolcraft does hereby determine and ordain that said township of Manistique be and the same is hereby divided by detaching therefrom the territory above designated, so that the territory so detached be and the same is hereby erected into a new township, to be known and designated as the township of Germfask; that the first annual meeting therein shall be held on the first Monday in April, A. D. eighteen hundred and eighty-three, in the same manner as other annual township meetings, at the house of H. Knaggs, situated in town forty-four (44) north, range thirteen west, section eleven, and that W. W. French, John More and Zeekiel Ackley, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers therewith as the inspectors of elections at any township election; that the first township meeting in the township of Manistique hereafter to be held shall be held in the office of the county clerk in the village of Manistique. Ordered further that the clerk prepare and sign the requisite notices of such township meeting, and deliver the same to T. S. Mead to be posted in the manner required by law. Upon the question being taken upon the motion and resolution to grant the prayer of said petitioners, the resolution was adopted by the following vote: Ayes—Supervisors Blackwell, Cox, Walke, Gunton, Gamble, and Clark. Nays—0.

STATE OF MICHIGAN, { ss.
County of Schoolcraft. }

I, John Costello, clerk of the county of Schoolcraft and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of a resolution adopted by said board on the tenth day of January, eighteen hundred and eighty-three, with the original, now of record in my office, and that it is a true transcript therefrom, and of the whole thereof.

In testimony whereof I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court for the county of Schoolcraft at Manistique, in said county, this sixteenth day of January, A. D. eighteen hundred and eighty-three.

JOHN COSTELLO, County Clerk.

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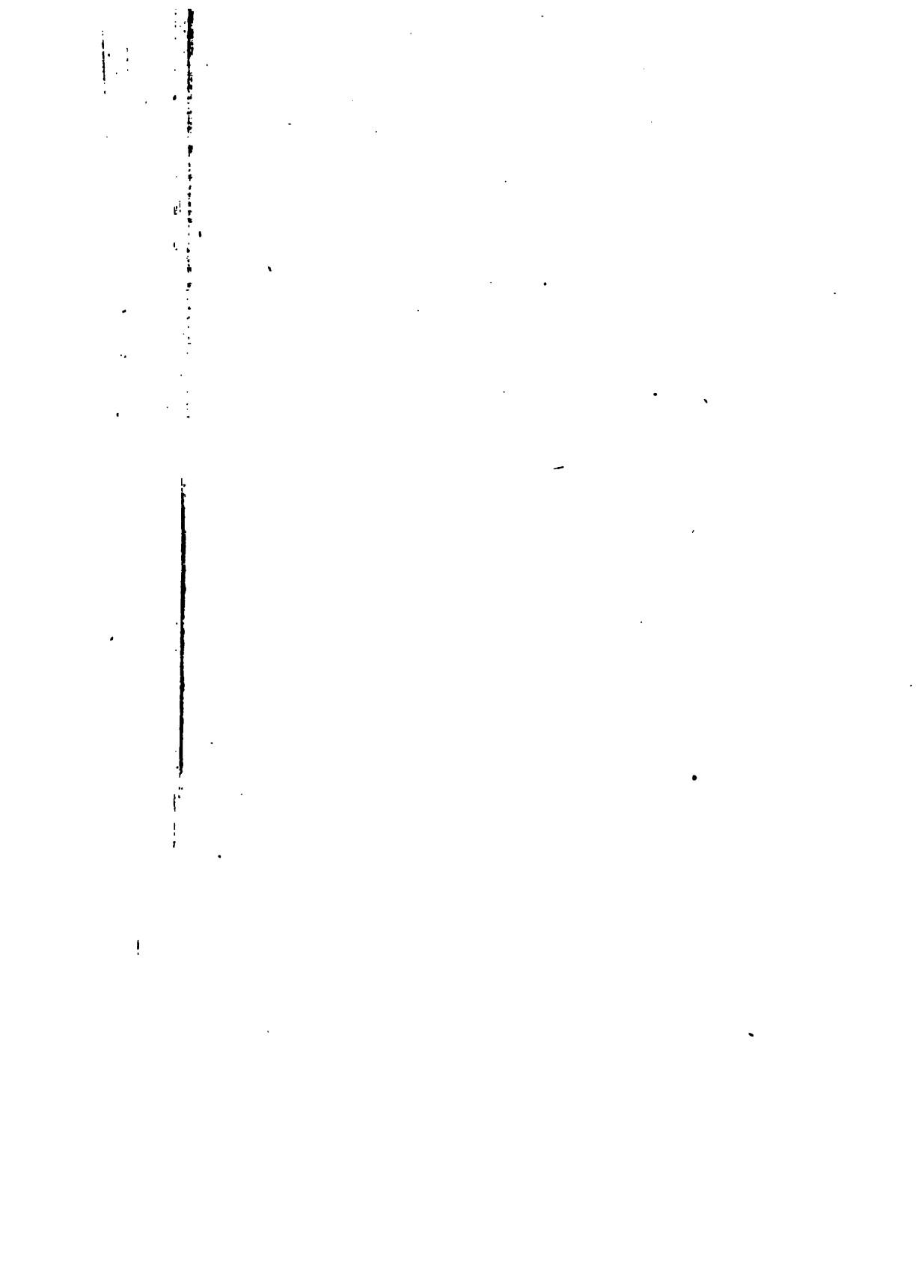
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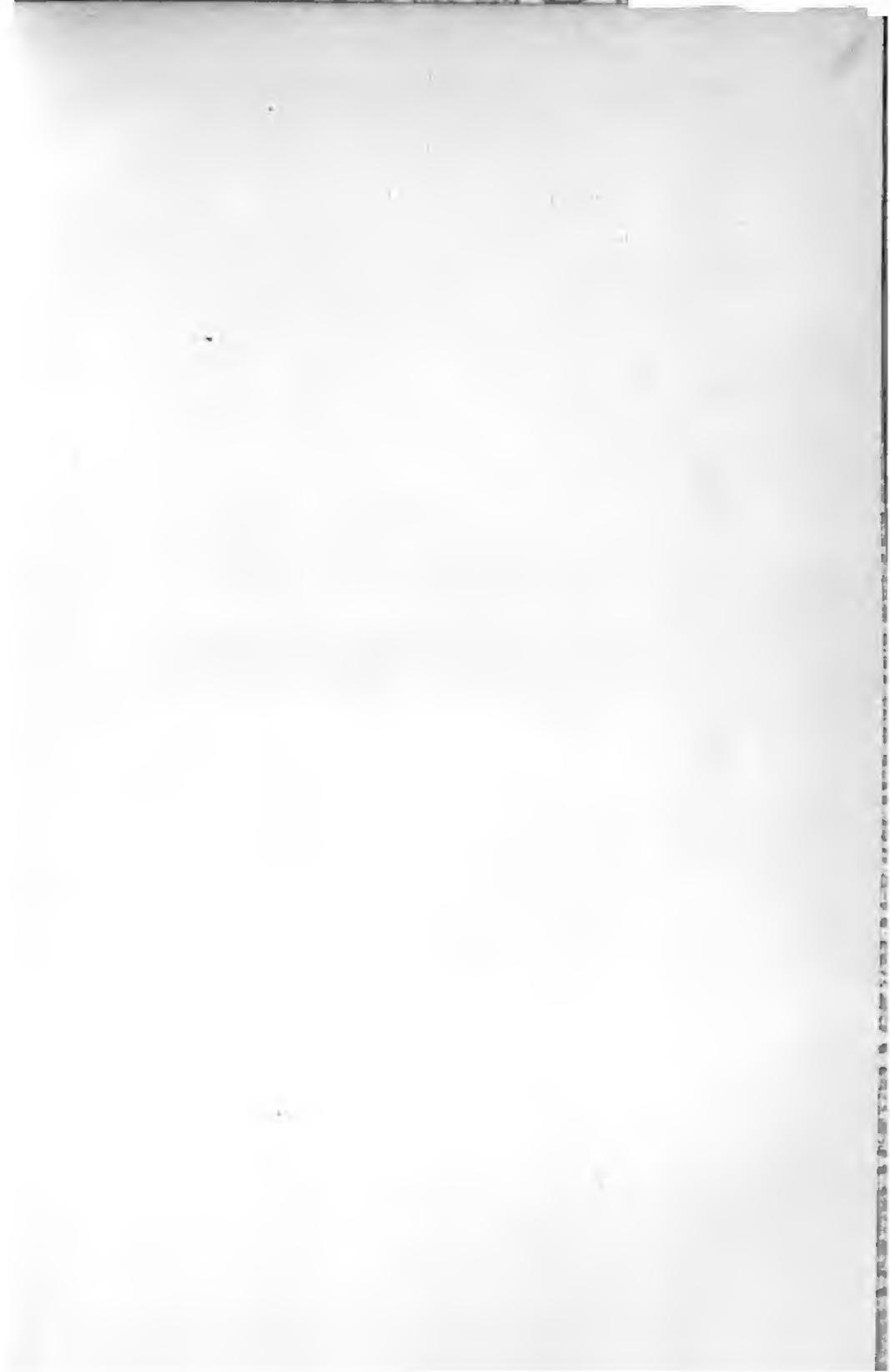
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